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MACKENZIE VALLEY PIPELINE INQUIRY

IN THE MATTER OF APPLICATIONS BY EACH OF  
(a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A  
RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS  
CROWN LANDS WITHIN THE YUKON TERRITORY AND  
THE NORTHWEST TERRITORIES, and  
(b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY  
THAT MIGHT BE GRANTED ACROSS CROWN LANDS  
WITHIN THE NORTHWEST TERRITORIES  
FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND  
ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION,  
OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE  
PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

Yellowknife, N.W.T.

May 6, 1976.

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PROCEEDINGS AT INQUIRY

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Volume 152

CANADIAN ARCTIC  
GAS STUDY LTD.

MAY 19 1976

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APPEARANCES:

Mr. Ian G. Scott, Q.C.,  
Mr. Stephen T. Goudge,  
Mr. Alick Ryder and  
Mr. Ian Roland for Mackenzie Valley Pipeline Inquiry;

Mr. Pierre Genest, Q.C.,  
Mr. Jack Marshall,  
Mr. Darryl Carter and  
Mr. J.T. Steeves for Canadian Arctic Gas Pipeline Limited.

Mr. Reginald Gibbs, Q.C.,  
Mr. Alan Hollingworth and  
Mr. John W. Lutes for Foothills Pipe Lines Ltd.;

Mr. Russell Anthony,  
Prof. Alastair Lucas and  
Mr. Garth Evans for Canadian Arctic Resources Committee;

Mr. Glen W. Bell and  
Mr. Gerry Sutton for Northwest Territories Indian Brotherhood, and Metis Association of the Northwest Territories;

Mr. John Bayly and  
Miss Leslie Lane for Inuit Tapirisat of Canada, and The Committee for Original Peoples Entitlement;

Mr. Ron Veale and  
Mr. Allen Lueck for The Council for the Yukon Indians;

Mr. Carson Templeton for Environment Protection Board;

Mr. David H. Searle, Q.C. for Northwest Territories Chamber of Commerce

Mr. Murray Sigler for The Association of Municipalities;

Mr. John Ballem, Q.C. for Producer Companies;

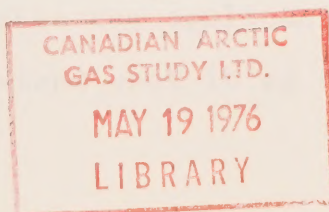
Mrs. Joanne MacQuarrie, for Mental Health Association of the Northwest Territories.





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1 Yellowknife, N.W.T.

2 May 6, 1976.

3 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

4 MR. VEALE: Mr. Commissioner,  
5 we are ready to proceed with the cross-examination of  
6 the panel from yesterday.

7 MR. STEEVES: Sir, before  
8 that begins, I understand this is motion day, in the  
9 sense that we're going to hear from my friend this  
10 afternoon. In view of the evidence we heard yesterday  
11 from Mr. Lueck and Mr. Smith about their position in  
12 relation to a formulation of their claim before this  
13 Inquiry, last Tuesday you sir, said that there is  
14 a problem here and we should all think about it.  
15 Tomorrow we're going to adjourn for more than a month  
16 and it seems to me that this may be a problem with  
17 respect that we shouldn't leave for a solution until  
18 we come back here after June 14th. I wonder, therefore,  
19 whether or not we shouldn't try and resolve that problem  
20 and try and decide what we're going to do about it now,  
21 rather than after we return on June 14th.

22 THE COMMISSIONER: Regarding  
23 Mr. Veale's motion?

24 MR. STEEVES: No, I'm talking  
25 now about the position as to the issue that you stated  
26 at the commencement of these proceedings where you said  
27 to the Council of Yukon Indians, to COPE, and to the  
28 Metis and Native Brotherhoods, you must outline your  
29 claim so that the applicant -- later applicants --  
30 can understand what it is and address themselves to





1 the issue of whether or not there's prejudice in the  
2 earlier issue of a permit, the issue of a permit before  
3 conclusion of those negotiations.

4 Having regard to the position  
5 taken yesterday by Mr. Lueck it seems to me it's an  
6 absolute impossibility, it's not just a difficulty,  
7 it's an absolute impossibility for Arctic Gas to deal  
8 with that issue in relation to the position of the  
9 people in the Yukon.

10 THE COMMISSIONER: Well, let  
11 me make a suggestion. Mr. Bell and Mr. Bayly aren't  
12 here now. Mr. Veale is and so we're fortunate in  
13 that. I think that what you're saying is that the  
14 way in which the native organizations are proceeding  
15 with their evidence is not sufficiently in conformity  
16 with my rulings to enable the two pipeline companies  
17 to come to grips with the issue of prejudice.

18 MR. STEEVES: Yes sir.

19 THE COMMISSIONER: Now, you're  
20 really suggesting that it may be appropriate for me  
21 to make some directions regarding the evidence that  
22 remains to be heard in this phase from those organiza-  
23 tions. It seems to me that it might be appropriate  
24 for me to ask, since I wouldn't want you to proceed with  
25 any argument now in the absence of Mr. Bell and Mr.  
26 Bayly, it may be appropriate for Mr. Goudge to have a  
27 meeting with counsel, including Mr. Bell and Mr. Bayly,  
28 at lunch today, and see if you can sort this out and  
29 if you cannot, then you could raise it in their presence  
30 this afternoon or tomorrow. Could we leave it at that,





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 Mr. Goudge?

2 MR. GOUDGE: Yes sir, I'd be  
3 glad to do that.

4 THE COMMISSIONER: And you might  
5 see if you can scare up Mr. Bell and Mr. Bayly today,  
6 even if it means buying them lunch.

7 MR. GOUDGE: Yes sir.

8 MR. HOLLINGWORTH: Does that  
9 mean of the pipeline applicants too?

10 THE COMMISSIONER: Well, I think  
11 that buying for Mr. Bell is probably all that can be  
12 handled.

13 (LAUGHTER)

14 Well, cross-examination of  
15 this panel.

16 MR. GOUDGE: Sir, I think  
17 Mr. Hollingworth would begin.

18

19 JULIE CRUIKSHANK,  
20 CATHERINE MCCLELLAN,  
21 JOHNNIE JOHNS  
22 JOE JACQUOT, resumed:

23 CROSS-EXAMINATION BY MR. HOLLINGWORTH:

24 Q Dr. McClellan and Ms.  
25 Cruikshank, and I might say that I'm directed by your  
26 counsel to call you Ms. Cruikshank, and I trust that's  
27 appropriate, if it isn't, let me know now -- most of  
28 my questions will be directed to you and the document  
29 you presented on the Alaska Highway. First of all, could  
30 you tell me what your research was for the presentation?

31

WITNESS CRUIKSHANK: Actually





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 we worked together. There was a period during January,  
2 I believe it was, when Dr. McClellan came to the Yukon  
3 and during that week we discussed how we would actually  
4 do the research for this project, but we based a lot  
5 of the work on discussions we had over --with Dr. McClellan  
6 since 1948 and myself over the last few years,  
7 discussions people have had about the impact of the  
8 highway.

9 Q Discussions with which  
10 people?

11 A With native people who  
12 lived along the Alaska Highway route. Dr. McClellan can  
13 speak about the work she's done in that area since the  
14 highway. I've been in contact and working with a lot of  
15 people who live in the villages now along the highway  
16 for a number of years. My part in the research, though,  
17 was to do mainly the archives research that was in the  
18 paper, going to the government files that we could find  
19 from the years 1935 to and onward.

20 Q Well then does the manner  
21 in which you presented your testimony have any bearing  
22 on who prepared what? Or was it just convenient to  
23 split it in two?

24

25

26

27

28

29

30





Cruikshank, McClellan

John, Jacquot

Cross-Exam by Hollingworth

A It was convenient to split

it into --

Q All right and now Dr.

McClellan would like to expand on that.

WITNESS McCLELLAN: Perhaps

I should explain that my research was, as an anthropologist, was really directed towards getting the more traditional patterns and the history of the Yukon natives. I did have the advantage of having lived in the villages in 1948 and 1949 shortly after the highway, a whole year of 1951, '52; a whole year in Aishihik -- not a complete year that in Aishihik but from September until June 1962-63 and although my research was directed towards the traditional way of life, expressive culture and world view, inevitably, I became aware of what was going on as a consequence of the highway.

I looked back into my journals and records and the comments of the native people to me, but that was not then the focus of my research.

Q Well, then it's fair to say that --

A And then --

O Sorry.

A Well, I may say and then subsequent trips which have punctuated the years as you can see on my vitae, I have become increasingly interested in the consequences of the highway and the way in which the people have reacted.

O Well then is it fair to say that as far as you're concerned Ms. Cruikshank,





Cruikshank, McClellan  
John, Jacquot  
Cross-Exam by Hollingworth

1 your testimony is drawn from your readings in the archives  
2 of the Yukon Territory?

3 WITNESS CRUIKSHANK: Not  
4 necessarily. It's also during the past two years I've  
5 been collecting biographies of older native women and  
6 in every case, the women lived through the experience of  
7 growing up at some point when the highway was going  
8 through, so that, in addition, many of the comments that  
9 they've made also contributed.

10 Q You reside in Whitehorse  
11 or in the Yukon do you?

12 A Yes, I do.

13 Q And have for the last few  
14 years?

15 A For the last three years  
16 and off and on since 1968 before that.

17 Q O.K. Dr. McClellan, you  
18 are drawing on your experience and it might be handy  
19 if you wanted to get another microphone.

20 A Perhaps we could use this  
21 one.

22 Q You're drawing on your  
23 experience both from living in the Yukon and from your  
24 expertise as an anthropologist but mainly directed to  
25 the historical side of the paper.

26 WITNESS McCLELLAN:  
27 A That was the focus of my  
28 most prolonged research but one obviously doesn't just  
29 take in the past. One lives the total experience.

30 Q All right. Did you read  
the applications of either Canadian Arctic Gas or Foothills





Cruikshank, McClellan

John, Jacquot

Cross-Exam by Hollingworth

1 Pipe Lines in preparing your research?

2 A No.

3 Q The answer's "no" from  
4 both?

5 WITNESS CRUIKSHANK: Yes.

6 Q You lived in Alaska for  
7 a semester I understand Dr. McClellan. You were a  
8 visiting lecturer at the University of Alaska?

9 WITNESS MCCLELLAN: That was  
10 my most recent experience in Alaska. Actually I've  
11 lived in the coastal Tlingit village of Angoon  
12 one season and --

13 Q When was that?

14 A I'd have to consult my --

15 Q Well, roughly. Was it --

16 A It was let's see, it was  
17 1951 -- '50. I think it was the summer of '50 and  
18 I spent a summer in Yakutat Bay and two summers in  
19 the Copper River valley. All of these in the '50's and  
20 '60's.

21 Q When was your most  
22 recent visit to Alaska?

23 A It would be 1974.

24 Q 1974? Was that when  
25 you were a visiting lecturer?

26 A That was when I was a  
27 visiting Professor at the University of Alaska in  
28 Fairbanks.

29 Q I'm sorry, I understood  
30 it was '73 from your C.v.





Cruikshank, McClellan  
John, Jacquot  
Cross-Exam by Hollingworth

1 A It was. I guess that was  
2 the fall semester. I was thinking about it in -- yes.

3 Q So you were there --

4 A '73-74.

5 Q You were there until  
6 just in the new year of 1974.

7 A Yes, that's right.

8 Q And that was most  
9 recent visit there?

10 A Yes.

11 Q What about you Ms.

12 Cruikshank? Have you been to Alaska?

13 WITNESS CRUIKSHANK: I worked  
14 in Alaska in the year 1969, 1970. I was in Fairbanks  
15 for a year and in villages in Alaska.

16 Q Have you been back since?

17 A Only briefly for a  
18 matter of a week at a time.

19 Q When was that last visit?

20 A That was in 1973. November,  
21 '73.

22 Q Well now if I could  
23 characterize your paper I would ask you to agree or  
24 disagree with this, that it's an historical view of  
25 the Alaska highway construction in the Yukon and its  
26 consequences, mainly on the social fibre of native life  
27 and coupled with that is a prediction that similar  
28 consequences will flow from a pipeline project that  
29 proceeds down the Alaska highway. Is that fair?

30 A Who do you address this --



Cruikshank, McClellan

John, Jacquot

Cross-Exam by Hollingworth

WITNESS McCLELLAN: I'm afraid

I don't quite understand. You're simply characterizing  
the paper --

Q Is it fair to characterize  
your paper as an historical overview of the construction  
and the consequences of the Alaska highway and coupled  
with that a prediction that the same consequences will  
flow if a pipeline is constructed down the Alaska  
highway route?

WITNESS CRUIKSHANK: I would  
say it's fair to say that it's an historical view of  
the Alaska highway and a suggestion, it's not a  
prediction, I don't think that we would predict that  
exactly the same consequences will flow, and in fact we  
said there were both positive and people it as having  
both positive and negative consequences; the highway.  
It is fair to say I think that many of the negative  
consequences that came with the pipeline will also  
accompany -- or with the highway will also accompany the  
pipeline. But it's not a definite thing.





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 Q But you don't see any  
2 positive consequences?

3 A I don't see the same  
4 positive consequences that came with the highway. The  
5 ones that came with the highway were increased health care,  
6 increased education.

7 Q Yes, I'm aware of what  
8 you said in your paper, but you're basing this prediction  
9 solely on the experience that came from the highway,  
10 are you?

11 A Well, I think we're saying  
12 the same positive things that came with the highway  
13 would not come with the pipeline.

14 Q All right, let me rephrase  
15 my question. You're basing your predictions of negative  
16 impacts coming from a pipeline on the basis of the  
17 experience from the highway.

18 A Yes, I would say.

19 Q Is that fair to say?

20 WITNESS McCLELLAN: Basing  
21 predictions?

22 Q You are basing your  
23 prediction of negative impact from the construction of a  
24 pipeline from the historical experience of the construc-  
25 tion of a highway.

26 A Well, to the extent that  
27 we are predicting, yes.

28 Q Well, you are predicting,  
29 aren't you? You're making pretty serious predictions.

30 A I don't know whether this





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 is the appropriate place to say but I think there's  
2 a little more in the paper also which is that --

3 THE COMMISSIONER: I'm sorry,  
4 I can't hear you.

5 A I'm sorry. I would just  
6 like to add, if this is the appropriate place, that I  
7 think there's a little more in our position in the  
8 paper in the sense that we feel rather strongly that  
9 the native people themselves should have an input, and  
10 that our historical overview suggested that they did  
11 not, in the case of the highway.

12 MR. HOLLINGWORTH: Yes, but  
13 this is a personal view you're expressing, that there  
14 should be input from the native people. Sure.

15 A Yes.

16 Q O.K.

17 A In other words, I didn't  
18 quite want to leave the subject --

19 Q Fine, I appreciate that.  
20 Can you look at page 16 of your presentation, please?  
21 Approximately a quarter of the way down there is a  
22 sentence beginning:

23 "A few whites married Indian girls and took  
24 them home, thus reducing the chances of marriage  
25 for young Indian males especially to those who  
26 adhered to moiety rules. More white men form  
27 short-term liaisons with native women, whom they  
28 then abandon."

29 Does that mean that more white men abandoned their  
30 relationships than those who kept them up?



Cruikshank, McClellan,

Johns, Jacquot

Cross-Exam by Hollingworth

WITNESS CRUIKSHANK:

1 A Certainly from the evidence

2 we had from talking to people.

3 Q All right, your evidence  
4 is from talking to people, is it?

5 A That, plus references in  
6 the archives which were referred to farther down where  
7 a number of women have written to the Territorial Govern-  
8 ment asking for help from the government because white  
9 men have abandoned their daughters and children. But  
10 that's generally from talking to people, I would say.

11 Q I'm sorry, I'm having  
12 great difficulty hearing you.

13 A I'm sorry. There was a  
14 general consensus among the people we talked with that  
15 that was the case.

16 Q I see, but it's either from  
17 talking to people directly or from looking in the  
18 archives and seeing letters that someone has written  
19 to someone else.

20 A From both.

21 Q All right.

22 THE COMMISSIONER: Just one  
23 thing. You said in your paper that there were 500 to  
24 1,000 -- how many native people were there living in  
25 the south Yukon or in the area where this highway had  
26 an impact in the Yukon, 500 or a thousand, I think was  
27 the figure you mentioned. How many -- or have I got  
28 the wrong figure?

29 WITNESS MCCLELLAN: No, that  
30 was the range that I put down. I think if you look at





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 the footnote I said that in fact this was a very  
2 difficult kind of a figure to meet with any degree of  
3 reliability, in fact I'd say impossible, really, because  
4 you don't have any early written records. You see that you  
5 can draw upon, or once you do begin to get written  
6 records you have all kinds of builtin problems that  
7 maybe say church records, or baptismal or something  
8 like that, or a census which, given the years in which  
9 you have them, may or may not include Indians that have  
10 Indian status, what constitutes the native later on.

11 Q Oh yes, you have the same  
12 problems even today.

13 A Right. Well, what I'm saying  
14 is, first you don't have the documents, and then secondly,  
15 when you do it's a matter of interpreting them.

16 Q But in any event, it was --

17 A It was a small population.

18 Q -- very small population.

19 A Probably, but since there  
20 were early epidemics, you don't in fact know what  
21 groups may or may not have been wiped out say in the  
22 middle of the 19th century.

23 Q Oh yes. Well, but no doubt  
24 the pattern of decline of population upon contact and the  
25 decline that persisted into the 20th century and then  
26 a gradual rebuilding of the population, that pattern  
27 no doubt prevails there as it appears to everywhere  
28 else.

29 A That's right, yes. My  
30 guess was the best that I could do, weighing all the





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 evidence that was available from native traditions.

2 MR. HOLLINGWORTH: All right,  
3 on page 9 you deal with liquor offences and statistics.  
4 You speak of the enormous increase in liquor-related  
5 offences during and after construction of the highway.

6 WITNESS CRUIKSHANK:

7 A Excuse me, what page was  
8 that?

9 Q That's page 19. Do you  
10 have that? Now, are you blaming the increase in  
11 liquor -- or let me put it this way. Are you suggest-  
12 ing that the increase in liquor results from the  
13 social dislocation suffered by native people directly  
14 as a result of highway construction, and that that  
15 therefore is reflected in a tenfold increase in liquor  
16 offences?

17 A Partly that; partly some  
18 of the things that Mr. Johns mentioned about the great  
19 deal of bootlegging, partly it's the fact that people  
20 talked about how liquor was brought freely into houses.  
21 Certainly the evidence that I found was just the  
22 police records which went from 1901 onward, and showed  
23 that there was a great increase during that period.  
24 It's hard to -- you know, I don't think you can pin it  
25 down to one thing or another. Certainly during the  
26 construction and after the construction of the highway  
27 the liquor-related offences increased dramatically.

28 Q Can't that be explained  
29 by a lot of other reasons? Can't that increase in use  
30 of liquor be explained by a lot of other reasons?

A I think that probably you



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 could say that there are a number of contributing  
2 factors, but certainly the highway would have been  
3 one of them.

4 Q You don't think better  
5 records might have started to be kept at that time?

6 A The records that I based  
7 this on seemed to have been, you know, they were  
8 consistent from 1901 right through. I'm sure there  
9 were improvements at different times, but there was  
10 no indication that they suddenly improved at any  
11 particular point.

12 Q Would those records  
13 reflect a change in police attitudes whereby they de-  
14 cided to charge people rather than let them go if  
15 they found them on the road in an impaired condition?  
16 Would those records reflect that, for instance?

17

18

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Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 A It's a possibility.

2 Q It's a possibility that  
3 they would?

4 A I really don't know. All  
5 I had was the records. I didn't have anyone -- you know  
6 any of the police to discuss the changes with but --

7 Q Now you said that liquor  
8 was rationed during the war.

9 A I don't believe I said  
10 that. I believe Mr. Johns said that.

11 Q Well you'd agree that that  
12 happened? You don't disagree with that proposition?

13 A I don't know but no,  
14 I would agree.

15 Q Well would you think that  
16 the end of rationing might have something to do with  
17 the increase in liquor offences?

18 A Well it was still illegal  
19 for Indian people to buy liquor during that period.  
20 I'm not sure how the rationing would affect that.

21 Q all right. Do you think  
22 anything might come of the fact that the R.C.M.P.  
23 had a full complement of people rather than a smaller  
24 staff because of the war?

25 A I don't know whether they  
26 did have a fuller complement of people after the war.

27 Q Now, in the second to  
28 last sentence on page 19 you make a statement which I  
29 don't understand. You say:

30 "These 105 individuals paid a total of \$1479.50 in



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 fines which would not have been levied if they  
2 had been white."

3  
4 A That's because the  
5 sections of the Indian Act which I think are appended,  
6 Section 138 and 125 made it an offence for an Indian  
7 person to drink, in the way that it wasn't an offence for  
8 a white person, and so the fines that were levied were  
9 levied under the Indian Act.

10 Q Precisely, so that has  
11 nothing to do with the Alaska highway at all.

12 A No, except that it's an  
13 interesting indication that there were those fines  
14 during that year --during those years.

15 Q Yes, but it's no  
16 relationship to the highway. That Indian Act was in  
17 force right across the country.

18 A It was a different  
19 situation in the Yukon, and Northwest Territories in  
20 some facts because those sections -- that part of the  
21 Act was later repealed in the Yukon and Northwest  
22 Territories because it said that you couldn't drink  
23 off a reserve when in fact there were no reserves in the  
24 Yukon and Northwest Territories. So, I think the point  
25 is taken that it's not necessarily related to the  
26 highway, but there was a greater increase of that kind  
27 of fine --

28 Q It's not related at all  
29 to the highway. I put it to you, it isn't.

30 A Except that it's an





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1     indication that there were certain dislocations  
2     increasing during the highway and this is one of the  
3     things that happened.

4                             Q     You can't draw a connec-  
5     tion between the highway and that offence. I put it  
6     to you.

7                             A     Well, I --

8                             Q     Now do you agree or  
9     disagree?

10                            A     I can only say that I  
11     think that the fact that this suddenly happening, that  
12     people were suddenly starting to pay a lot of extra fines,  
13     had to do with liquor which came as a result of the  
14     highway and therefore in the minds of Indian people  
15     this was a -- it was related kind of thing that followed  
16     the highway.

17                            Q     All right, well let's  
18     just go through your paper if we can. You tell us that  
19     the highway was built in a relatively isolated area  
20     inhabited mainly by native people. But, you agree that  
21     that isn't the situation today if a pipeline were to  
22     be built.

23                            A     That's true.

24                            Q     So there's no parallel  
25     there. You also say that there -- and I think I have  
26     your figures right. You say that there were a peak  
27     of 34,000 men in the Yukon involved with building the  
28     highway?

29                            A     Those are the figures  
30     that came from the records.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1  
2 Q All right. Are you aware  
3 of the numbers of construction people that have been  
4 called for by the pipeline applicants before this  
5 Inquiry?

6 A No.

7 Q Well, the peak figure is  
8 -- are I believe 6,000. Now you agree with me that that's  
9 a substantial difference?

10 A Yes, that is.

11 Q Now, at the time the  
12 highway was built, there had been a simultaneous or  
13 at least an earlier decline in fur trading which account-  
14 ed for -- which had a considerable effect on the native  
15 people. You will agree that's the case?

16 A Yes.

17 Q Of course, that wouldn't  
18 necessarily be the case if a pipeline were to be put  
19 through?

20 A Not specifically the  
21 fur trade.

22 Q No. There's no indication  
23 that there'd be a decline in the fur trade at all if  
24 the pipeline were to be put through, is there?

25 A Not except to the extent  
26 that people still do trap and there might further  
27 dislocations of game.

28 Q Do you have any studies  
29 that you've done to show that there would be any  
30 dislocations of game? You're not qualified to speak to





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 that?

2

A No.

3

4

Q At the same, there'd

5

been a decline in boat travel which was brought on by

6

the highway which accentuated the situation for the

7

natives, the jobless situation for them. Now, you're

8

not suggesting that that would prevail if a pipeline

9

were to be put through?

10

A Through the Yukon Territory?

11

Q Yes.

12

A No.

13

Q Along the Alaska highway.

14

A No.

15

Q I'm sorry, I didn't hear

16

that.

17

A No.

18

Q All right. You speak of a

19

marked change in the annual cycle of native people that

20

what was brought about by the highway and presumably

21

it changed to essentially what it is now. Is that

22

what happened?

23

A I think Dr. McClellan

24

could speak to that better.

25

WITNESS McCLELLAN: Presumably.

26

Q It changed to what it is

27

now?

28

A Well I think that since

29

the highway, it's continued to change.

30

Q O.K. As a result of the



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 highway?

2 A Yes.

3 Q All right. Have you  
4 any reason to suggest it would change further as a  
5 result of the pipeline?

6 A I think it's a possibility.

7 Q Is this -- what is this  
8 based on, a hunch or some evidence you have?

9 A Well I think this would  
10 depend on in fact, incoming people even though you've  
11 mentioned 6,000 people. That seems to me a considerable  
12 number of people coming in and the degree to which in  
13 fact the native people would in fact, should there be a  
14 pipeline, be drawn into other possible kinds of work.

15 Therefore, obviously this  
16 would continue to change the annual cycle to the  
17 extent that some people still do some trapping.

18 Q Have you any reason to  
19 suggest that that life cycle would change as markedly  
20 as it did?

21 A Are you referring to the  
22 life cycle or the annual cycle? Excuse me.

23 Q I'm sorry, it's the annual  
24 cycle.

25 A I'm sorry, I didn't mean  
26 to catch you up, but I didn't know whether you --

27 Q No, thank you for correcting  
28 me.

29 MR. STEEVES: I wouldn't want  
30 to miss that out.





Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Hollingworth

1 A Well I think the life  
 2 cycle and the annual cycle are intimately linked. I  
 3 may say that.

4 MR. HOLLINGWORTH: Have you any  
 5 reason to suggest that the annual cycle would be changed  
 6 as markedly as it was by the highway by the construction  
 7 of a pipeline?

8 A I find that rather im-  
 9 possible to answer, in this sense that it's impossible  
 10 to say what would actually follow from the pipeline,  
 11 since there are a range of possibilities.

12

13

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Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth  
Q All right.

1 A And I think it is a  
2 possibility, I think it is a possibility, yes.

3 Q You say that the highway  
4 presented problems of vehicles, and it's obvious that  
5 no such problems would arise out of a pipeline right-  
6 of-way going down alongside the Alaska Highway.

7 A Well, I would suppose,  
8 and I would be glad to be informed on this, that  
9 this would mean even more increased traffic on the  
10 available road in some places.

11 Q All right, on the Alaska  
12 Highway.

13 A Yes, and to the extent  
14 that you would have more traffic and if indeed you'd  
15 have continued problems of liquor abuse, I can't think  
16 that transportation wouldn't continue to be a problem.

17 Q Well, it's also obvious  
18 to me that although the highway made access to the  
19 Liquor Store easier, the pipeline right-of-way isn't  
20 going to do the same thing. Would you agree with me?

21 A Well, I think with  
22 respect to the liquor abuse, it's not just a matter of  
23 getting to the Liquor Store, so to speak. It's that there  
24 is a transportation network. I might say with respect  
25 to the liquor abuse, quite apart from the records too,  
26 that there is the testimony of the people and it's  
27 been very obvious to me as I've come back repeatedly  
28 and perhaps this isn't to the point --

29 Q Keep going.

30 A -- that liquor abuse has





1 become a major problem, a very distinct difference from  
2 1948-49 and 1974.

4 A In my own mind I really  
5 associate that with the transportation system and with  
6 the highway and the increased numbers of construction  
7 workers that came in.

12 A This was discussed with  
13 me by two natives in particular that I have notes on.

17 A No, I don't think it would.

20 A Only insofar as there may  
21 be people going up and down the highway and it's just  
22 the interaction of individuals. I can't say there would  
23 be any direct consequence.

29 A I think this is probably  
30 correct. I talked actually to Dr. Marchand in New









Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 York about this. He wrote a paper that was cited as  
2 one of our references and I think this has been the  
3 case.

4 Q So there's no reason to  
5 suggest that this would happen again if another  
6 large project went through the Yukon.

7 A I don't believe we did  
8 suggest that. In fact we said that increased medical  
9 aid was in fact one of the advantages of a highway.  
10 whether  
11 Now the pipeline would bring increased medical access  
12 is another question.

13 Q All right now. The  
14 applications for the pipeline propose strict controls  
15 on hunting and fishing, and strict isolation of camps  
16 away from villages. Would you agree with me that that  
17 would make the situation different from that which pre-  
18 vailed during construction of the Alaska Highway?

19 WITNESS CRUIKSHANK: From what  
20 I understand, the Army also tried to impose strict  
21 controls about staying away from some of the villages  
22 anyway. The hunting regulations were certainly different  
23 from the ones that are proposed; but I'm not sure,  
24 exactly how one can regulate that kind of thing, how  
25 one can regulate strict controls particularly in an  
26 area adjacent to the Alaska Highway, which provides  
27 for a great deal of transportation.

28 Q Have you been into a  
29 construction camp on a project of any type?

30 A No, I haven't.

31 Q Have you, Dr. McClellan?



Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

WITNESS McCLELLAN: No.

Q So you wouldn't know whether guns are the usual thing to find around such camps. If I suggested to you that they<sup>definitely</sup> were not the usual thing to find, you wouldn't know whether to agree or disagree with me.

WITNESS CRUIKSHANK:

A That is correct.

Q Now it seems to me another difference between then and now is the size of the towns that you have along the Alaska Highway, and I believe you said at the time that Whitehorse had about 700 or 750 people, is that right?

A Yes.

Q It's now something like 15,000, isn't it?

A Closer to that.

Q Well, this would make it better able to cushion the impact of a large number of people coming in.

A Except that it was suggested to those of us who live in the Yukon that Fairbanks, which is even twice as big as Whitehorse<sup>or larger</sup> had difficulty cushioning the impact. So I'd have difficulty agreeing with that.

Q And what are you relying upon in making that statement?

A That I'm simply saying that it's simply hearsay from what we know of what's happening in Fairbanks.

Q It's hearsay, O.K. Well,





Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 so many of these parallels aren't valid. Sorry?

WITNESS McCLELLAN:

2 A Would all 6,000 be in  
3 Whitehorse?

4 Q No, but I think you'll  
5 agree that there's been a corresponding increase in the  
6 size of other towns. In fact I think I just finished  
7 saying they wouldn't be in the towns at all.

8 A That's why I'm sort of  
9 having trouble.

10 Q It seems to me that with  
11 all the differences in the parallels you're attempting  
12 to draw, it's almost impossible to try and compare  
13 this situation to that -- the Alaska Highway situation  
14 to the situation that would prevail with the pipelines  
15 coming through, and I suggest what you're really doing  
16 is giving us a historical perspective of what happened  
17 when the Alaska Highway was built, then taking what  
18 you've heard about what's going on in the Alyeska Pipeline  
19 and applying that to what you think is going to happen  
20 if a pipeline goes down the Alaska Highway. Now would  
21 that be a fair way to cast the situation?

22 WITNESS CRUIKSHANK: I don't  
23 think --getting back to your earlier question -- that we  
24 made any long-term predictions. We said that it looked  
25 as though there were parallels. Certainly we're giving  
26 a historical perspective and -- but I don't think we're  
27 spending as much time saying that exactly the same  
28 kinds of things will happen.

29 Q You say on page 1:

"We believe that the construction of the gas



Cruikshank, McClellan,  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 pipeline in the southern Yukon will inevitably  
2 bring further changes of the same unwelcome  
3 sort."

4 On page 23 you say:

5 "The demoralizing effects which accompanied the  
6 highway can be expected to accompany the pipe-  
7 line."

8 Now what are you basing -- on what base do you use when  
9 you make a statement like that?

10 WITNESS McCLELLAN: I think we  
11 base it partly because we have had doubts as to the  
12 degree to which in fact the native people, who certainly  
13 were not surprised as to what was going to happen with  
14 respect to the highway, may or may not have some kind  
15 of input on what might happen if a pipeline came through.  
16 I think that's part of what we were thinking about.  
17 I do think that one can say that having an influx of  
18 a large number of people and a new technology which is  
19 somehow bound to affect the economy of the total  
20 Territory, is bound to affect people who live in it, and  
21 having to adjust very quickly does suggest certain  
22 parallels to what happened before.

23 I am myself convinced that  
24 there will probably <sup>be</sup> a greater increase in liquor abuse  
25 and some of these other things we've gone over.  
26  
27  
28  
29  
30



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 Q Well, do I understand you  
2 to say that the basis of the conclusion you've reached  
3 on page one is the fact as you see it that there will  
4 be no native input into a pipeline project if one were  
5 to proceed down the Alaska highway?

6 A I don't know what will  
7 happen.

8 Q Well what's the basis for  
9 your belief on page one?

10 A Well I think the great --  
11 WITNESS CRUIKSHANK: I think  
12 there's an indication that the kinds of jobs, the  
13 parallels come in terms of kind of short-term jobs.  
14 A lot of people coming into villages which normally  
15 don't have a great deal of human traffic through them.

16 THE COMMISSIONER: Don't  
17 normally have a lot of what?

18 A Human traffic through  
19 them. The roads pass through these villages, that there  
20 aren't a great number of people around the villages in  
21 many cases. And just that there would seem to be  
22 parallels in terms of mostly social and economic kinds  
23 of dislocations <sup>for</sup> people who are really not in any way  
24 involved in the pipeline, in knowing what's happening  
25 when the pipeline's being constructed. We simply sort  
26 of have to take the results of whatever happens as it  
27 comes down the road.

28 MR. HOLLINGWORTH:

29 Q Well, I'm sorry. You're  
30 speaking fairly quickly and I'm having a little difficulty  
following you. You say already there's a lot of traffic





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 through these villages but they sort of go right through.

2 A Yes.

3 Q Those are the tourist  
4 buses going on to see Whitehorse and Klondike and this  
5 sort of thing. There are dozens of them going through  
6 the Yukon in the summer. You're concerned about people  
7 who stop in these villages.

8 A Right and the boat --  
9 the effect of having construction camps nearby and with  
10 respect, I understand that you do plan to -- you do  
11 propose that there be controls on the camps but I really  
12 question how controlled camps can be. I would expect  
13 that there will be traffic between the villages and  
14 some of the camps.

15 Q But you have no experience  
16 in controlling camps and you haven't seen the Alyeska  
17 project and you haven't seen a large project of any  
18 type.

19 A No, we just know that there  
20 were definite attempts with the army which I would assume is  
21 really strict control.

22 Q In 1942.

23 A Yes.

24 Q So that if there was a  
25 scheme to keep people out of the villages then you'd  
26 be content, would you?

27 A Not particularly. That's  
28 one of the factors.

29 Q That was the reason you  
30 gave us. If there are more let's hear them.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1  
2 A That I would say is one  
3 of the factors. There are also other economic factors  
4 which I'm not qualified to speak on because I'm not an  
5 economist, but I think that there could real economic  
6 dislocations; but I don't claim to be qualified to speak  
7 on them.

8 Q This is an intuitive feeling  
9 of yours and you have no expertise on which to make  
10 that --

11 A I have no expertise. I've  
12 heard economists discuss this area and I think that there  
13 are definite things which could follow.

14 Q Are these economists  
15 who have studied the effects of a pipeline on the  
16 Alaska highway?

17 A These are economists who've  
18 worked in Alaska as well as --

19 Q On the pipeline?

20 A Who've been involved in  
21 working on plans for pipeline construction and --

22 Q A couple more things.  
23 ON page 23, the second complete paragraph reads this  
24 way:

25 "The economics and politics of pipeline development  
26 clearly indicate that local people, native or white,  
27 will have no real voice in the changes which the  
28 pipeline will inevitably bring."

29 I take it from that you mean that the large-scale  
30 economic implications -- I'm sorry, I have to look around





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 your counsel all the time here. The large-scale economic  
2 implications that are involved in the financing of a  
3 pipeline as well as the politics of going through the  
4 regulatory proceedings in capitals such as Ottawa and  
5 Washington would preclude any input from people in the  
6 Yukon. Is that how you see it?

7  
8 A At this point, they make  
9 it very difficult for people from the Yukon to have  
10 input or to even know what's going on. For example,  
11 the kinds of new reports that come through the Yukon  
12 are usually from Alaska or from southern papers like  
13 the "Globe and Mail" which suggest that the Americans  
14 may decide to run a pipeline through the Yukon down  
15 the Alaska corridor.

16 There's no real knowledge of  
17 whether that's in fact true or not, and there's no input  
18 from local people.

19 Q Well, have you studied  
20 the economics and politics of pipeline development?

21 A No.

22 Q And the end of that  
23 sentence says, after "inevitably brings," it says:

24 "And therefore, they ..."  
25 referring to local people,

26 "...can expect to derive no benefits from it."  
27 Now, how do you reach that conclusion?

28 A I guess I would have to  
29 say that that conclusion I would sort of reach as an  
30 anthropology student, knowing people who've talked, that's







the general feeling from a lot people who live in communities along the pipeline. So perhaps that's phrased in a way which it shouldn't be, but certainly the general feeling is --

A Well, there certainly is a very strong feeling from local people in the Yukon that they would have no input. Dr. McClellan may have other comments.

A Which is pretty strong.

A I think to the extent that  
and have no knowledge at all  
there is some fact to that.  
fact is that people living along  
those villages feel that they have  
into any pipeline decisions;  
st talked with. I don't have

A I don't have trouble with  
that as a statement.





Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Hollingworth

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Q Well you're not suggesting that because you have no voice in something you can't expect to get any benefits from it in any situation?

A It's hard to know. It's hard to know without an example. I think that it's fairly true that in the north particularly where there is a great deal of large scale development goes on without control of the local people, local people consistently feel that they have very little control and derive very few benefits from large scale capitalist developments.

Q Very few benefits or no benefits?

A In many cases, no benefits. For many Indian people no benefits. The people who we talked with feel that they derived no benefits.

Q At the top of 23, you list the effects that you feel can be expected to accompany the pipeline, presuming one is proposed. You say:

"More social and economic trauma"...  
 Now, do I understand that those trauma are listed underneath or they're something that you haven't catalogued?

WITNESS McCLELLAN: These are the ones that we referred to previously. Do you mean, do we have this in apposition?

Q Yes.

A That the social and economic trauma are in fact a disturbance of the game and fur bearers.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

Q Yes right.

A I think that we include in that social and economic trauma the list of broken families, misalliances, all sorts of things like that and that the rest of that sentence includes additional material.

WITNESS CRUIKSHANK: Right.

WITNESS MCCLELLAN: Talking about the changes in the social organization.

Q Well we spent a considerable amount of time going through some of the parallels that in fact aren't parallels, between highway construction in 1942 and a pipeline being constructed some time in the '70's or '80's. Now, are you saying that more social and economic trauma of the same variety can be expected because it's a big project?

A Yes.

Q Period.

A Insofar as one has the historical precedent which is known, yes.

Q Well, would you like to just enumerate some of those social and economic trauma and let's run through them one by one.

A Well, I believe that we've done this in our --

Q Well don't you agree that we've decided that there are very many areas that you've gone into where there are no parallels at all?

A No, I can't quite agree with that because it seems to me that you've given a





Cross-Exam by Hollingworth

Johns, Jacquot

Cross-Exam by Hollingworth  
way

rather limited view to me in a of what will happen when  
the -- if a pipeline should come; although you speak of  
control, it still seems to me it's an open question  
whether in fact there will be effective control.



Cruikshank, McClellan  
Johns, Jacques  
Cross-Exam by Hollingworth

1 Even though one refers to a  
2 construction camp now, in the sense one wonders about a  
3 construction camp then, in a particular situation, so that  
4 perhaps I'm not quite as convinced as you are that the  
5 parallels are not legitimate probable parallels. Excuse me, I  
6 don't mean to make this difficult, but I can't quite agree with  
7 your position, that you have completely blocked out any possible  
8 parallels.

9 THE COMMISSIONER: Just because you  
10 disagree doesn't mean you're trying to be difficult.

11 MR. HOLLINGWORTH:

12 Q Well, you can be difficult  
13 if you choose, all you like.

14 A I suppose that I'm being  
15 difficult in that sense, because I'm not quite convinced.  
16 I think you've too easily disposed of historic evidence.

17 Q All right, let me put it  
18 this way. You feel a social and economic trauma will  
19 arise, but to come to that decision you base it on  
20 the view that there will be the kind of uncontrolled  
21 chaos that was going on during the construction of the  
22 Alaska Highway. You're basing it on that.

23 A I don't think I'd put it  
24 that strongly. I would say I think it will certainly  
25 arise if the Metis people who will surely be affected  
26 some way, whether you and I can agree how , do not  
27 in fact have some controls because I'd like to repeat  
28 that a part of that paper has to do with their really  
29 remarkable degree of adaptability, and so I think that  
30 is the sort of factor that is at issue.

31 Q Dr. McClellan, I don't



Cruikshank, McClellan  
John, Jacquot  
Cross-Exam by Hollingworth

1 disagree at all with a lot of conclusions you reach.

2 But I bridle when you suggest that the same demoralizing  
3 effects, presumably as to the same magnitude that  
4 accompanied the Alaska Highway --

5 A Excuse me.

6 Q -- let me finish -- that  
7 accompanied the Alaska Highway will accompany a pipeline  
8 down the Alaska Highway in the Yukon.

9 A I'm sorry, the reason I  
10 said "excuse me" was I didn't quite hear one word.  
11 The same effects of the same magnitude?

12 Q The same demoralizing  
13 effects on the same magnitude.

14 A "as the same magnitude"  
15 that was the word I didn't hear. Well, I suppose then  
16 the answer is that I disagree. I would prefer to  
17 stick to my position.

18 Q Notwithstanding all the  
19 differences between the two situations?

20 A They may not be exact  
21 parallels, I think we both can agree that times have  
22 changed, certainly.

23 Q All right.

24 A But I do see the high  
25 probability.

26 Q But you predict the  
27 disturbance of game and the fur-bearers which still  
28 remain important in the lives of Indians, but I think  
29 you stated that you haven't done any studies on this  
30 at all, this is just a personal knowledge or personal





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 hunch.

2 A Yes, based on the historical  
3 evidence that whenever you have more people or some  
4 new major kind of technological endeavor, it would seem  
5 apparent historically from everything I've read and  
6 from what the native people have said, and surely  
7 Mr. Johns and Mr. Jacquot made this point.

8 THE COMMISSIONER: Well, Dr.  
9 McClellan we've spent months here at the formal hearings  
10 listening to biologists on this very subject and  
11 listening to the native people in their own villages.

12 A Right.

13 Q On this very subject, and  
14 I appreciate your bringing that issue to my attention,  
15 but the fact is the Inquiry will not be relying upon  
16 you to determine that matter for us, and I say that with  
17 all respect.

18 A I fully understand.

19 Q I regard your paper as  
20 an examination of the impact of the Alaska Highway on  
21 the native people of the Yukon. You have urged that  
22 there are some elements in pipeline construction today  
23 in the north that may be similar to elements in the  
24 construction of the highway 30 years ago, but I  
25 gather from your discussion with Mr. Hollingworth  
26 that you're not prepared to draw any hard and fast  
27 conclusions about the extent to which those elements  
28 may exist, and you of course are not acquainted with  
29 the measures the two companies have proposed to safeguard  
30 the interests of the native people.

31 A That's right.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Hollingworth

1 Q So I'm examining your  
2 evidence in the light of those limitations and I don't  
3 suppose you'd object to my doing that.

4 A I would think it highly  
5 appropriate, and I believe that the probable that we've  
6 put in our title suggests something of a qualification,  
7 and I presume Mr. Hollingworth was in a sense asking me,  
8 well, how I really felt about this, and I was trying  
9 to answer you as I felt.

10 Q Well if you're going  
11 beyond your own skill as an anthropologist you appear  
12 to be conveying to me the notion that you feel in your  
13 bones that it doesn't look -- it looks as if a lot of  
14 these things may occur again, but you can't altogether  
15 put your finger on them.

16 A That's correct and I  
17 certainly would not like to convey the impression that  
18 I'm an expert on ecology, and I doubt that Ms. Cruik-  
19 shank would -- that's not the intent of our paper.

20 MR. HOLLINGWORTH: Well then,  
21 if I can just go back to one more question, I suggest  
22 to you again that you've given us an excellent historical  
23 perspective of the effects of the Alaska Highway, the  
24 construction of the Alaska Highway on the native  
25 population of the Yukon, and you have a feeling not  
26 based on expertise, but based on personal feelings that  
27 the same things in lesser or greater magnitude could  
28 happen from the construction of a pipeline.

29 WITNESS CRUIKSHANK: I think  
30 what we want to do is <sup>present</sup> what seems to us a historical





Cruikshank, McClellan

John, Jacques

Cross-Exam by Hollingworth

Cross-Exam by Steeves

parallel, and let people like Judge Berger make use

of as he sees appropriate rather than to say (a) then

(b).

Q Yes, but it's your personal feeling that there might be a parallel.

A That's correct.

Q Not based on your expertise.

A I think that there are indications that where you have a historical parallel, historical examples which show similar kinds -- you can assume that there will be similar kinds of results. There is a vast literature in anthropology on the impact of economic developments on indigenous peoples all over the world, and there tend to be certain parallels that can be drawn from there. I think it's that that we're also taking into consideration.

MR. HOLLINGWORTH: Excuse me a minute. Thanks very much, those are all my questions.

MR. GOUDGE: Mr. Steeves?

MR. STEEVES: Thank you.

CROSS-EXAMINATION BY MR. STEEVES:

Q Ladies, can I address one question to you? I want to make certain that I understood an answer you gave. Mr. Justice Berger put a proposition to you about the perspective that we should look at your evidence in.

WITNESS McCLELLAN:

A The perspective -- I'm sorry, I didn't quite hear.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 Q The perspective that we should  
2 examine your evidence <sup>from</sup> / and I wasn't sure, did you agree  
3 with what the judge said?

4 A Perhaps could I ask you  
5 to please summarize the sentiments so I'm quite sure  
6 what I'm answering? Would that be appropriate?

7 THE COMMISSIONER: Well, let  
8 me put it this way, Dr. McClellan.

9 A If you don't mind.

10 Q We had some witnesses  
11 here last week who discussed the impact of the James  
12 Bay project, rather more a contemporary event than the  
13 building of the Alaska Highway. The impact of that  
14 project on the native people of Northern Quebec.  
15 Mr. Veale has now brought all of you forward to discuss  
16 the impact of the Alaska Highway project, and I think  
17 it's important that we should study it. All I'm really  
18 saying is that whatever lessons are to be learned from  
19 that experience are lessons that I think we're quite  
20 capable of learning on our own, so to speak. It's a  
21 natural tendency in people that talked about James  
22 Bay and other projects to want to put flags up on  
23 their evidence and sort of say, "Watch for this, judge."  
24 I understand that perfectly natural tendency, but we  
25 have spent 15 months now learning about the Mackenzie  
26 Valley, the people here, the pipeline project, and we're  
27 in a better position, I think, than the people who  
28 told us about James Bay and in a better position than  
29 you are, to decide what the lessons are to be learned  
30 from James Bay and the Alaska Highway to be applied to



Cruikshank, McClellan  
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Cross-Exam by Steeves

1 the Mackenzie Valley. Now that's really all I'm getting  
2 at here, and I must say that really my whole object was  
3 to see if we couldn't save a little time.

4 A Well, I think we appreciate  
5 the point and I think that the import, perhaps, of our  
6 paper -- I speak for myself perhaps here -- is that  
7 it is important that you do have a documented history  
8 in the record. Is that relevant? I didn't mean to turn  
9 you off but I wanted to be quite sure what I was answering  
10 too.

11 MR. STEEVES: Q Mr. Johns,  
12 you live now in Carcross, do you?

13 WITNESS JOHNS: Right.

14 Q And there are a lot of  
15 your people living in the Carcross area?

16 A Yes, Carcross, Teslin,  
17 Whitehorse, some down the coast.

18 Q If I may say so, you know,  
19 I can speak with some knowledge of Carcross, and a little  
20 bit of knowledge of Teslin. There are a lot of your  
21 people in Teslin looking for work, isn't that right?

22 A Yes.

23 Q There are a lot of your  
24 people in Carcross looking for work.

25 A Right. You mean that live  
26 there, is that what you're asking?

27 Q No, I'm just talking about  
28 the men and the women of your people who live in Teslin,  
29 which is a large Indian community, and in Carcross, which  
30 is also a substantial Indian community. The people in





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 those communities are looking for wage employment,  
2 aren't they? Isn't that what they need now?

3 A Wage what?

4 Q Wage employment.

5 WITNESS McCLELLAN: Wage  
6 employment.

7 MR. STEEVES: Wage employment.  
8 Steady work.

9 WITNESS JOHNS:

10 A Yes, yes, that's so.

11 A lot of them, most of them want to work, yes.

12

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Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 Q I don't mean --

2 THE COMMISSIONER: Let Mr.

3 Johns finish.

4 A But they haven't experience  
5 in the best work so they don't get the best work.

6 MR. STEEVES: I'm not talking --  
7 I'm sorry. Did I interrupt you?

8 A But they do get work that  
9 they know. A lot of companies want to stake claims  
10 and that. The first ones they go to is the native boys.  
11 The helicopter took away a lot of that work too, but  
12 there's other jobs like cross-country trail-blazing  
13 and cutting lines for these mining companies, get on  
14 their line, put on snowshoes, you know, that kind of  
15 work, and of course they get quite a few boys work  
16 on heavy duty equipment, but not all. We have some  
17 boys in the Yukon that do a little welding, and they're  
18 good at welding. They're tops when they learn, they're  
19 tops.

20 Q Mr. Smith told us  
21 yesterday that your people in the Yukon are interested  
22 in steady work but not degrading or menial work. They  
23 want their fair share of the decent jobs. Do you  
24 agree with that? Isn't that a fair statement of what  
25 the people in the Yukon want?

26 A Well, I can't think for  
27 everybody but I know a lot of people, they used to  
28 go on steady work, but not for me, I've been my own  
29 boss practically all my life, you know, and I honestly  
30 can say, well , I love to do things. I don't want no



Cruikshank, McClellan  
~~Johns, Jacquot~~  
Cross-Exam by Steeves

1 heavy manual work and that kind of stuff.

2 Q You were your own boss  
3 in the '30s before the highway came, were you not?

4 A I've been my own boss all  
5 the time.

6 Q You were your own boss  
7 ever since you were old enough to get out on your own.

8 A That's right.

9 Q I'm asking you, you know  
10 many, many people in Teslin, you knew many, many people  
11 in Tagish , you know many, many people in Carcross,  
12 I was thinking for example of the young men in Carcross,  
13 they want steady work, don't they?

14 A Yes, there's quite a lot  
15 of them want steady work; but of course today you see  
16 the way things are they want T.V., they want this and  
17 that, and of course they have to work to earn these  
18 things. The only thing that gets in the way of this  
19 all is liquor, you know. They work a month or two, some  
20 of them get off and miss a few days and they've lost  
21 their job. That's been one of the biggest problems  
22 I think all over. Does that answer your question?

23 Q Yes.

24 A I don't like to work,  
25 myself. I do more playing around.

26 Q As a matter of fact I  
27 not only admire you, I envy you. Mr. Jacquot --  
28 I'm sorry?

29 WITNESS JACQUOT: I wouldn't  
30 mind it but it seems that in the Jewish language "Jacquot"





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 is a real dirty name.

2  
3 THE COMMISSIONER: I don't think  
4 he meant that.

5 (LAUGHTER)

6 MR. STEEVES: You just don't  
7 like my French pronunciation, or attempts at it. I'm  
8 sorry. Are you living backin the Yukon now?

9 A I live in Whitehorse.

10 Q Was what Mr. Smith told us  
11 yesterday about the desires and the hopes of your  
12 people in the Yukon something you can agree with?

13 A About work?

14 Q Yes.

15 A I think <sup>probably</sup> work has a lot of  
16 meaning; it depends exactly what your terminology of  
17 "work" is and what our terminology of "work" is.

18 Q Well, I don't understand  
19 it in your terminology.

20 A Well, I'll try to explain  
21 it in my terminology.

22 Q I really do want to under-  
23 stand what you mean.

24 A I think that throughout  
25 civilization we find, no matter what culture we go into,  
26 that work had to be done. Sometimes work is sitting  
27 at a desk, pondering over what is going to happen in  
28 the future.

29 Q M-hm.

30 A We heard from Mr. Johnnie  
Johns who says that manual work, that's his interpretation



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

-- manual work. I didn't talk to Mr. Smith on what his idea of work was. I think that mainly in the Yukon Territory what we're looking at is the fact that the people have to have some control over their destiny, they want to be able to either live in the present-day society which in some respects is objective to their way of life, and also to have -- to be able to revert to the old ways if they wish to. We realize in some of the isolated communities that many of the people that are there, the Indian people that are growing up are not going to be doctors, you know, they're going to want to be doctors and they're going to want to be dentists and what-not, and they may want to be pilots. Also there are people who even with degrees from college in the Yukon Territory who would give all of that up to revert back to their old way of life, you know, knowing exactly what a rabbit track is, for instance, how to build a fire, how to take care of themselves during the winter months, knowing how to exist in the north. I think when we look at the older ways, you know, we think of dog teams as sort of a glamorous deal today. We look at the races and what-not, and we think that it's very easy and it's very glamorous to jump on a dog team and go. But actually to drive a dog team you are a harder working dog than any dog on the team. I'm being **very** realistic when I say this. We have to feed the dogs, for one thing, and not only that but in many cases we had to snowshoe ahead of the dogs and make a trail for the dogs, and in some cases we had to run what we called a deep hole



Chukshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 to keep the sleigh on the trail. We were the biggest  
2 dogs of the whole works because we had to do this all  
3 before the dog teams could exist.

4 You know, that's a real  
5 large field. If you say "yes, work" I think you could  
6 say that any culture in society would have to work to  
7 develop that society.

8 Q Some people of your  
9 people in the Yukon want to work in the white cultural  
10 sense, is that correct?

11 A I've said that, yes.

12 Q Some people want to work  
13 in the way you explained it, in their own way, the way  
14 of their own choosing, separate and independent from  
15 the white culture. Is that correct? Am I understanding  
16 you correctly?

17 A That's correct.

18 Q And is the way that you see  
19 that being possible some sort of political control by  
20 your people over their own lives?

21 A No. No, I think, you  
22 know, you made a remark that you were quite envious  
23 of Mr. Johnnie Johns, and I think that what we're looking  
24 at is a situation of where the native people in the  
25 Yukon Territory or perhaps all native people, want to  
26 have control over their own destiny, and I think  
27 we're not looking at -- I think control today is the  
28 name of the game.

29 THE COMMISSIONER: That was the  
30 message in Chief Smith's argument about ownership and





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 control of the pipeline.

2 A Right, I think  
3 what we're talking, and in some cases we're not talking  
4 about complete control, but some means of control.

5 MR. STEEVES: Q Well, many of  
6 the white people in the Yukon are pursuing this same  
7 aim, aren't they?

8 A We saw this more so in  
9 the 1930s, I think, in the '20s, you know when the  
10 depression was on, and for various reasons people had  
11 become prospectors, some people didn't even become  
12 prospectors, they lived but they had an idealistic  
13 way of living. I mean they could take a handful of  
14 seeds and with the abundance of wild game they could  
15 live and live quite happily, and in some cases they  
16 raised families in isolated areas.

17 Q Do I understand you to  
18 say that that was much more common in the '20s and  
19 '30s than it is now?

20 A I believe so, right,  
21 because today we have a lot of different things like  
22 for instance in the Yukon Territory we don't see the  
23 small gardens that we did see in the '30s. It was  
24 the accessibility of going to the super markets in  
25 Whitehorse and being able to buy a head of lettuce  
26 or a turnip whenever they wanted, you have to realize  
27 that in the '30s before the Alaska Highway that it  
28 was quite a rarity indeed to be able to have a tomato  
29 on your table for Christmas. You know, or even indeed  
30 to have a turkey. It was a specialty.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1  
2 Q As I understand what Mr.  
3 Smith was saying yesterday, he sees economic power as the  
4 way of gaining control of your lives. Is that a fair  
5 statement?

6 A I think that that would  
7 be one of the means of --

8 Q What I'm asking you really  
9 is it seems to me you can talk about political power  
10 and you can talk about economic power and they're not  
11 necessarily separate, but they may be. Do you see the  
12 way to achieve what you want to achieve for your people  
13 as gaining economic power and rejecting the idea of  
14 political power?

15 MR. VEALE: Well, Mr. Commissioner I think Mr. Steeves is embarking on a line of  
16 questioning which was raised yesterday and it ties in  
17 with land claims, and I simply don't see any point in  
18 pursuing this issue by the back door in this method.

19 MR. STEEVES: I'm not doing it  
20 by the back door.

21 MR. VEALE: He seems to be  
22 talking about precisely the same thing.

23 MR. STEEVES: Am I not allowed  
24 to ask this man his own views on these questions?

25 MR. VEALE: Well you've been  
26 asking what the views of Mr. Smith are for the last  
27 question.

28 THE COMMISSIONER: Well, let's  
29 approach it in this way Mr. Steeves. Certainly Chief



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 Smith made it clear that the native people in the Yukon  
2 want a healthy measure of economic power and control.  
3 His whole brief gave me the impression that economic  
4 power was a vital element in the approach to this  
5 pipeline project that the native people of the Yukon  
6 are taking. Now, you're asking Mr. Johns if he feels  
7 there should be a measure of political power in an  
8 institutional sense I suppose.

9 MR. STEEVES: I'm asking him  
10 if he personally rejects political power as a means of  
11 achieving what he wants to achieve for his people.

12 I'm sorry, I'm just restating  
13 what you've said.

14 THE COMMISSIONER: Well, what's  
15 wrong with that Mr. Veale. If it's Mr. Jacquot's --  
16 I though you were questioning Mr. Jacquot. You said  
17 Mr. Johns.

18 MR. STEEVES: I'm sorry, it  
19 was Mr. Jacquot.

20 THE COMMISSIONER: But if Mr.  
21 Jacquot has a personal view that he wishes to give us,  
22 certainly I think we'd all like to hear it. I don't  
23 know whether you follow this.

24 A I think I can and maybe  
25 I'm out in left field when I gave the answer but I think  
26 yes. I think we both you know -- I think one relates to  
27 the other economic power and political power.

28 MR. STEEVES: Well O.K. Well  
29 then, am I right in interpreting you as saying you don't  
30 see personally that you should reject the political power





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 objective as a way of controlling your own life, and you  
2 don't say, concentrate entirely on economic power. You  
3 say pursue both. Is that what you say?  
4

5 A I think so.

6 Q I'm sorry, I really want  
7 to understand what you're saying.

8 A I think that any other  
9 powers would pursue those too.

10 Q Pardon me?

11 A If there were any other  
12 powers, we'd pursue those too. I'm thinking, you know --  
13 I don't know whether you're -- I'm not quite as afraid  
14 of saying that I think that the native people in the  
15 Yukon Territory have to develop with the society, but  
16 they still have to somehow or other work out their own  
17 identity and be able to adapt to that culture if they  
18 so wish.

19 If I might, I might go further  
20 and say that there's quite a -- when I walked in two days  
21 ago there was a quite a few questions asked by yourself and  
22 I think some of the other panel on the identity of the  
23 native cultures and how it fits into the society today.

24 I think that we have seen a  
25 breakdown in the native culture, the past native culture.  
26 I think you're seeing a revamping of that culture today  
27 and I'm talking now of the potlatches and how they  
28 were established during the time of our trading post  
29 and then after the building of the highway, and how  
30 they slackened off. They slackened off for a period and



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 now that they are back on a level because it costs as  
2 much today to bring a person into this world. It costs  
3 more to take them out of this world. I mean to lay them  
4 away and in most cases, you're looking at between three  
5 and five thousand dollars to bury a person.

6 The potlatches are worked or  
7 have been worked in the past whereby collections are  
8 taken. These people are buried. The casket is paid for.  
9 The food is paid for and the family is then not left with  
10 a debt.

11 I think, you know, there are  
12 many -- there are many good things in different cultures;  
13 the things that we 've probably been able to  
14 pick up from the white society and also there are many  
15 good things that we want to retain amongst our own  
16 culture.

17 THE COMMISSIONER: You say that  
18 some of these traditions would serve you well today?

19 A Right, I think it would  
20 serves all society well today.

21 THE COMMISSIONER: Mr. Johns,  
22 you have your hand up. You wanted to add something?

23 WITNESS JOHNS: Yes, it  
24 concerns this. Now the native people, Indian people --  
25 not all over North American and this and that. They got  
26 along for ages back. It seems like they did all right.  
27 So, and no problems, no nothing.

28 But see, there's a change here  
29 now and this country is just not quite a hundred years  
30 old since the white man come up in this northern country.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 So, you can't expect too much from the native people,  
2 we're still learning.

3 O.K., trace yourselves back  
4 3,000 years, you was in the same boat. So that's what  
5 you got to understand. We had no colleges and this  
6 and that but it was the way of life. You can't expect  
7 too much. We haven't been to colleges. We're not  
8 doctors and lawyers and all that.

9 MR. STEEVES: I'm not so sure  
10 it was that long ago sir. I'm really not.

11 Can I ask both you gentlemen  
12 this? I interpret what you're saying as this. The  
13 spirit of your people individually and as a group is not  
14 dead. That it's reviving in many ways and you've given  
15 the potlatch as an example and that your people are  
16 now adapting their own old ways of doing things and of  
17 living in some respects to the white race and they're  
18 working out a wholly new<sup>way</sup> of living together as  
19 Indians?  
20

21 WITNESS JACQUOT: You go ahead.

22 WITNESS JOHNS: Well, you're  
23 talking about, Joe said something about potlatches and  
24 that's what you're talking about. O.K. I think it's  
25 a nice way they did. Now, our younger people are losing  
26 this now.

27 O.K., now you have a -- you're  
28 in trouble. Your family's in trouble. You don't take  
29 care of that person. One of the family's died yourself.  
30 The undertaker takes care of it right?





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

Q Yes.

A O.K., well that's the same way we did it. All right, there' Crows and there's Wolves you see in these Indian tribe. O.K., a Wolf dies. The Wolf people die. That's the opposite you see in marriages.

Wolf  
So, if a person dies then the Crow takes care. You see. That's their way of life because you don't want to handle your own people. You haven't got the heart to handle your own relations so the Crow takes care of this person who died, so naturally the -- naturally the Wolves pay for it. Same like you pay the undertaker. Same thing but they do it in a different way.

All the one side of those people there, they all chip in. They gladly donate. You see them broke you figure they got no money at all but by gosh when something like that comes up, they -- I figure somebody is broke when he comes up with a hundred dollars and two hundred dollars, throw it in the pot and there you are. They all collect and that's for all the expenses all around and you pay for the handling of the body. You pay two or three times what the work is worth and it smooths things off and it hurts nobody and you feel <sup>better</sup> that way then have a big dinner. They feed the people that done the work. YOU see, it's just like a wake sort of affair, but in a larger scale.

It used to be in the olden days some of these potlatches lasted two weeks, but today it's just a matter of an evening. THAT's about it



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 you see. Does that help to straighten that out?

2 They had their laws. They had  
3 their laws and some of them are very strict. O.K., if  
4 my sister had a child before she got married, it was my  
5 duty to do away with her. The laws are that strict.  
6 Those things hardly ever happened. But they have  
7 happened according to word of mouth history.

8 Q Oh, I'm sorry. I thank  
9 you Mr. Johns for -- do you understand what I am trying  
10 to get at?

11 WITNESS JACQUOT: I don't  
12 know.

13 Q I mean, we've heard a  
14 lot of people come here and say what you've done to the  
15 native people is you've destroyed them. YOU destroyed  
16 them as individuals and you've destroyed them as a  
17 people and I don't get that from what you say. YOU  
18 talked about a resurgence. I don't know, you say your  
19 rebirth or whatever.

20 A No, I think I'm not talking  
21 about a rebirth. I think I am talking about a revision.  
22 I think the people even after becoming educated in  
23 colleges and whatnot could see that there was much to  
24 the old cultures.

25 Q Yes.

26 A One of the things that  
27 you know, that is definitely against the white culture  
28 today was the society in which we live is the fact  
29 that there is no room in our society today for the  
30 elders even amongst the civil servants. When you reach



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 a certain age you're given an old age pension and you're  
2 with.  
3 done away / You're put out to pasture and you are no  
4 longer of use to society. I think that in the old native  
5 cultures or in the Yukon Territory anyway, I could  
6 speak quite well on that because I've been brought up  
7 with it. I think that there was always room for the  
8 elders at any council and that the elders played a  
9 great part into the upbringing because they were the  
10 historic history of the living history of the people.

11 I think you know it would be  
12 realistic enough to say that we have many -- even  
13 in Yellowknife probably today many of the living history  
14 right in our old age home here that we could go down  
15 and yet we spend millions of dollars on preserving books,  
16 documents. You name it. We don't do anything to  
17 develop that type of thing or very little is done.

18 I think that hopefully with a  
19 land claims settlement or any development that comes  
20 through and if we can have some control, some measures  
21 of control or some input into control I think that if  
22 there were any damages whether they be environmental  
23 damages or any type of social impact damages, I think  
24 that somehow or other if you have control much of these  
25 problems can be eliminated simply by having a voice.

26 Now I think what happened in  
27 the Yukon Territory, especially with the people that I  
28 represent that, yes, I think that their identity was  
29 just about destroyed and I can truthfully say that.

30 But I think right today that  
after four years of organization that there are many of





Cruikshank, McClellan  
~~Johns, Jacquot~~  
Cross-Exam by Steeves

1 the people that I represent can better express themselves  
2 than even I can. They are making -- they're not at  
3 the bottom rung of the ladder anymore. They're maybe  
4 a quarter of the way up but they still, you know, there  
5 are still a lot hills to climb and it's an upward battle.  
6  
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Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 Q You spoke about input  
2 into the controls by your own people. Could you tell  
3 me what sort of controls you're talking about? Do you  
4 mean controls on the impact or the way any major  
5 development will affect your own people, is that what  
6 you mean by "control"?

7 A I didn't say complete  
8 control, I said I think that we have to be able to have  
9 some input into any decision-making that is going to  
10 affect our people.

11 Q Yes, I understand. Well  
12 then I'm trying to understand how you see that working,  
13 and I thought you said some input into the controls.

14 A That's right.

15 Q Well, in some cases --  
16 I think if I may, you want some input into whether or  
17 not there is any pipeline at all, I take it. But  
18 assuming that a decision is made by whoever makes it  
19 that there is going to be a pipeline, you see the  
20 need for controls, is that right?

21 A I think we're talking  
22 about control.

23 Q O.K., now controls over  
24 what?

25 A Well, controls over  
26 mainly when we talked to the older people we were  
27 talking about -- we talked about trapping, fishing  
28 and hunting. When we talk to the younger people  
29 we're talking about more social types of things.

30 Q More what?



Cruikshank, McClellan  
Johns, ~~Jacquol~~  
Cross-Exam by Steeves

1 A More social types of  
2 things, social -- better health services, better working  
3 conditions, better, you name it. There was some discuss-  
4 ion this morning on, a question was asked if there was  
5 a major development in the Yukon Territory by 6,000  
6 men, this would not have any relevance on the rest of  
7 the population. It would indeed have relevance on the  
8 rest of the population because of social diseases, No. 1.  
9 Invariably this affects our people, this is one of the  
10 No. 1, along with drug and alcohol abuses, is one of  
11 the greatest concerns that we have.

12 We could go through the  
13 hospital records, and I think you could do that quite  
14 easily by just going through the present hospital  
15 records and finding that any time there was a major  
16 construction operation in the Yukon Territory, any time  
17 they brought in people from the outside, your social  
18 diseases climbed, just within a matter of days.

19 Q That's one of the things  
20 you would like to see some controls put on.

21 THE COMMISSIONER: Excuse me,  
22 just so we understand each <sup>other</sup> /, you mean venereal disease by  
23 social disease.

24 A Right, venereal diseases  
25 right.

26 THE COMMISSIONER: Maybe we  
27 could stop for coffee. This is a good discussion and  
28 just don't feel I'm cutting you off.

29 (PROCEEDINGS ADJOURNED FOR A FEW MINUTES)

30 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 MR. STEEVES: Sir, before we  
2 adjourned for coffee you and I were talking about the  
3 kind of things that you felt should be controlled in  
4 the context of the conversation about your people  
5 having input into those controls, and you spoke about  
6 in a general way, about the things the older people  
7 were concerned about and the things the younger people  
8 were concerned about, and you were talking, I think,  
9 about the younger people's concern about social  
10 problems.

11 A Well, I was talking about  
12 social diseases, and I think that you know it goes beyond  
13 social diseases because actually if we go back through  
14 history we find that epidemics were caused through the  
15 penetration of foreigners. I'm not going to say the  
16 white people, but in many cases it was. During the war,  
17 for instance, during the building of the Alaska Highway  
18 there was an epidemic that was created, and I think it  
19 was traced back to, I mentioned in my brief the trainers,  
20 The Americans had a lend-lease deal going on with  
21 Russia at that time and all of the routing of the  
22 planes and the pilots, the trainees were going to Russia,  
23 and the routes that they were taking were much similar  
24 to the Alaska Highway. That's why these emergency flight  
25 strips were built. During that period of time there  
26 was several diseases that were brought in and in one  
27 case trench mouth was brought in and that was traced to  
28 a British, an R.A.F. pilot who was a trainer, going to  
29 Russia. It was traced back during that time. I contrac-  
30 ted -- everybody got trench mouth, it was something that



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 happened in a matter of weeks, it spread from one end  
2 of the highway to the other.

3 Q Yes.

4 A There was many things  
5 that, you know, we see with any development, whether  
6 it be construction or any major development. I think  
7 all society is concerned about these type of things.

8 Q If I asked you to  
9 work out for me and for this Inquiry the kind of things  
10 -- the kind of controls or the problems you think  
11 controls should be imposed on, and how your people  
12 -- the kind of input that your people would like to  
13 make into those controls, could you go back to Whitehorse  
14 and do that and come back later?

15 MR. VEALE: Mr. Commissioner,  
16 I think we're prepared to make those recommendations  
17 in final argument. I'm somewhat reluctant to have Mr.  
18 Jacquot committed to returning, particularly because we  
19 no longer have any financing for the Berger Inquiry.

20 THE COMMISSIONER: Because what?

21 MR. VEALE: We no longer have  
22 any financing for this Inquiry, we're out of money.

23 THE COMMISSIONER: Well --

24 MR. VEALE: But I also feel  
25 though, that as counsel, I will be bringing back any  
26 recommendations that Mr. Jacquot may have in that regard,  
27 in final argument. I really don't know what there is  
28 to gain by having Mr. Jacquot<sup>go</sup> back and then work on  
29 it and then return.

30 THE COMMISSIONER: Well, you're



Cruikshank, McClellan  
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Cross-Exam by Steeves

1 proceeding on the basis, Mr. Veale, it may well be,  
2 notwithstanding the wishes of the people of Old Crow  
3 that a pipeline would be built across the interior route  
4 and <sup>you are</sup> presumably developing the terms and conditions that  
5 you would seek on behalf of the Council of Yukon  
6 Indians to be imposed if that were to be the route  
7 adopted. Well, how do you feel about all this, Mr.  
8 Steeves?

9 MR. STEEVES: First of all, as  
10 to expense, without in any way -- I make the obvious  
11 offer on that, I'm sorry, I hope there's nothing improper  
12 in that.

13 THE COMMISSIONER: Well, I  
14 wouldn't worry about expense in the sense that if it's  
15 essential that someone be brought back, the Inquiry  
16 will bring them back and we've already done that in  
17 a number of instances when people didn't have the  
18 funds. So I think the main issue is one Mr. Veale  
19 raised about, Mr. Jacquot is on the committee, I think,  
20 that gives him his instructions. Is that so?

21 MR. VEALE: That's correct.  
22 There's also, Mr. Commissioner, the fact that Mr.  
23 Jacquot has a rather total commitment on negotiation  
24 of land claims and to spend a month and have a researcher  
25 back him up and so on, I don't know if it's possible.

26 MR. STEEVES: Well, Mr.  
27 Commissioner, what troubles me is this. I understand  
28 part of the position of the Yukon Council of Indians  
29 and of the two Brotherhoods represented by my learned  
30 friend, Mr. Bell, which is short and simple, there's





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 no pipeline until we get a settlement.

2 But I say, "Ah yes, but if  
3 there is a settlement, how will the pipeline," which  
4 presumably according to that position will then  
5 proceed, "how will that pipeline impact your people  
6 in your communities?"

7 That's what I'm pursuing.  
8 I'm not asking to steal a page from Mr. Veale's brief,  
9 or to reverse the order of things. It seems to me we're  
10 only dealing with half of the real gut issue before  
11 you if we just say, "O.K., no pipeline, no settlement,  
12 no claim ." Surely we want to know, and I honestly  
13 want to know from this gentleman how he sees the impact  
14 uncontrolled and how he sees the need for controls,  
15 assuming a pipeline goes ahead; and as I understand the  
16 context of this problem the way positions are being  
17 taken by my friend, Mr. Bell and my friend, Mr. Veale,  
18 I'm not going to hear that, I'm not going to hear it  
19 in this way.

20 THE COMMISSIONER: The position  
21 of all of these native groups is no pipeline before a  
22 land settlement. Now, land settlement they have made  
23 plain enough, is something that entails the development  
24 of a form of political and economic organization. It  
25 offers them a measure of control over any development  
26 in the north, including a pipeline. The Yukon --  
27 the Council of Yukon Indians has indicated that they  
28 regard majority share ownership in the pipeline  
29 corporation to be the way in which they would then  
30 control the route, the question of hiring, the question



Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Steeves

1 of contracts and sub-contracts, the question of  
 2 scheduling on the pipeline. Now, this Inquiry has to  
 3 look at those same matters and to make recommendations  
 4 regarding them, whether the pipeline were to be built  
 5 before or after a land claims settlement.

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Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Steeves

Chief Smith and Mr.

Lueck I think said yesterday that they would expect that given the majority share ownership in a pipeline corporation authorized to build a pipeline they would rely upon the recommendations of this Inquiry to formulate the conditions that they would impose.

I only say that because it seems to me to be just a little bit circular and the Inquiry remains by Order-in-Council and by the way events are unfolding here, responsible for setting out those terms and conditions for the pipeline companies, for the native organizations and for the government.

I'm not entirely certain that Mr. Jacquot could, could, even if we would, tell us an awful lot in addition to what he has already told us. The thing that concerns me is that in a sense you are hiving him off from the executive of the council that gives instructions to Mr. Veale and asking him to go to work on this and I don't really know that it's fair to ask him to do that. Do you have any comment on this, Mr. Jacquot? This isn't a Court. We're just discussing this so if we want to throw your two bits' worth in, go ahead. It's worth more than two bits, I have no doubt.

WITNESS JACQUOT: We haven't discussed this matter amongst ourselves. In fact, the matter hasn't come up before. But I think that given a decision into the final argument, I think that we could quite easily recommend that such arguments in a general way be given. I'm not talking about specifics now.





Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Steeves

I'm not too sure whether you are asking for specifics but I think our concern is not complete control but some measures of control.

THE COMMISSIONER: Well, let me just put this to you, Mr. Jacquot. As I understand what Chief Smith said yesterday, these developments that have occurred in the past and particularly the highway didn't provide natives with employment that lasted or that was of any lasting benefit to them. That seemed to be the argument.

Now, you people are afraid that if a pipeline is built across the northern Yukon or across the southern Yukon, you may be given employment that is essentially unskilled and doesn't offer you a position -- doesn't offer you an opportunity to -- for steady work after the thing is built, and notwithstanding the good intentions of the government of Canada and the good faith shown by the pipeline companies, you take the position that the only <sup>way</sup> you are going to get meaningful employment on the pipeline, develop skills that will be useful to you after the pipeline is built is if you control the project yourselves at least in sufficient measure to enable those objectives to be achieved. That's what I got out of Chief Smith's discussion with -- his brief and his discussion with Mr. Steeves yesterday. Am I on the right track? Is that what you were getting at?

A I think that what is happening here is that we're putting the cart before the



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 horse, sort of thing. I think that we were talking  
2 about the construction of the pipeline and it is a  
3 great way to me personally because I think I -- in my  
4 brief, I presented the building of the **eight-inch** line  
5 and some of the mistakes that were made and I would like  
6 to, you know --

7  
8 Q Was that the Canol line?

9 A No, that was the eight-inch  
10 line from Haines, Alaska to Fairbanks.

11 Q Yes.

12 A That was an eight-inch line.  
13 Now, the Canol line was a four-inch line.

14 Q Four inches, right.

15 A And that was built in  
16 '43, '44, somewhere in that period. With pipelines,  
17 the question then arises -- why I say the cart is  
18 before the horse is that we're talking about permanent  
19 employment. My experience in the Yukon has been that  
20 pipelines have not lasted that long. In '54, '55, that  
21 eight-inch line was put in at a great expense to the  
22 American government. Some of the people that got  
23 permanent jobs on that line were Canadians but there was  
24 not one native person that had permanent employment on  
25 that line.

26 Q Do you mean in building  
27 it or operating it --

28 A Operating it after it  
29 was put in. Now, on the Alaska side that might well  
30 have happened but I can only speak of, as I know the



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 line was in existence in the Yukon Territory.

2  
3 Nine years later we find  
4 that the pipeline after that great expense was completely  
5 abandoned. It's not in use today. For certain reasons,  
6 such as it became rusted in some spots and I think they  
7 found it was just too expensive to overhaul the line  
8 as it were, and it was just cheaper just to abandon it.

9 Now, we have a -- then,  
10 you look at that eight-inch line as an example of what  
11 could happen in the future, you see large areas that  
12 where construction went through will no longer produce  
13 the game as we saw it like especially that area between  
14 the Donjak and the White River where the rats didn't  
15 come back and the beaver didn't come back and we also  
16 have the buildings. The buildings and the extra pipe  
17 and whatnot, these have been dumped throughout the  
18 whole thing and some measure and if you look at the  
19 Canol Road, it was a disgrace. You know, it was years  
20 before that was cleaned up.

21 MR. STEEVES: They are still  
22 cleaning it up.

23 A They are still cleaning  
24 it up and you know, we see a lot of things and I think  
25 we have to be realistic to know that, you know, I don't  
26 think even the applicants have a clue how long this  
27 oil line indeed is going to be operating. You know,  
28 I have heard figures kicked around by 1988, it will be  
29 over. I have heard, you know, I have heard other things  
30 but it's, you know, I have a habit of turning "The





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 National" on every night and many times listening to  
2 what is developing with the Energy Board and whatnot and  
3 I think that you wonder then what are we talking about,  
4 you know, and I think that you were wondering -- I  
5 think you are putting the cart before the horse and you  
6 are saying, well, are your people looking for work,  
7 permanent work? I think that we're saying that you know,  
8 that our idea of permanent and your idea of permanent  
9 might really vary.

10 MR. STEEVES: Q I understand.  
11 Can I just deal with a remark you made and then perhaps  
12 address myself to Mr. Commissioner.

13 I understand that what  
14 happened on the eight-inch line was that the American  
15 War Assets Disposal Corporation sold it in the late  
16 forties to the White Pass and that the White Pass  
17 closed it down. Am I wrong in that?

18 A Well, I think you are  
19 wrong in that because I think, in my brief, I mentioned  
20 working on that very line in as late as 1955, '54, '55.

21 Q Okay. I'm sorry.  
22 I understood that something like that had happened when  
23 the White Pass --

24 A I think the White Pass  
25 did eventually --

26 Q When they bought it they  
27 shut it down because they --

28 A I think there is a line --  
29 the eight-inch or the four-inch line is still being  
30 pumped from Skagway up. I think they use that but I



Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Steeves

1 think in general what they're saying is true.

2 Q Can I deal with this  
 3 problem in this way, sir? Rather than deal with it as  
 4 though Mr. -- whether or not this gentleman should be  
 5 asked to do some work and then come back -- is it  
 6 proper for me to pursue this line of enquiry at this  
 7 time? It seems to me with respect that it is, not only  
 8 proper, but it is necessary.

9 You, as I know you are  
 10 very much aware, are charged with a duty and that is  
 11 to enquire into the -- amongst other things -- the  
 12 impact a pipeline if built will have on the people  
 13 in the Yukon and the Northwest Territories. Now, I  
 14 say with respect in part, you have studied on that by  
 15 the Community Hearings, but that, again with great  
 16 respect, because of the rules under which those Community  
 17 Hearings were conducted was somewhat limited in terms  
 18 of a discourse, not between yourself and the people in  
 19 the Community Hearings but the kind of discourse we're  
 20 having here today; that is, between the applicants,  
 21 yourself, and the people who are going to be impacted.  
 22 I suggest to you, sir, that your study and your report  
 23 and recommendations would be imperfect and lacking an  
 24 essential element unless here under these circumstances  
 25 that other kind of discourse does take place. That is  
 26 the discourse involving the applicants.

27 THE COMMISSIONER: Well, it  
 28 is taking place this morning.

29 MR. STEEVES: Yes. Well, can  
 30 I go ahead then?



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

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THE COMMISSIONER: Certainly,  
you can go ahead.

MR. STEEVES: I'm sorry. My  
point is this. I'm sure it will save time and people's  
thoughts on a very complicated issue would be better  
organized if this gentleman went away and came back  
later but I'm quite prepared to pursue it now.

MR. GOUDGE: I wonder, sir, if  
this doesn't relate to the points you asked me to meet  
with other counsel about earlier this morning. Let me  
suggest that it might well be possible to explore Mr.  
Steeve's specific request of Mr. Jacquot at lunchtime  
at the same time as counsel explore the dimensions of  
the question that you posed of us earlier, and should  
we be able to come to some meeting of the minds at  
lunchtime and it may be that the matter can be  
proceeded with in some expeditious way, if not, we can  
let you know after lunch.

THE COMMISSIONER: All right.  
That relates to the matter of Mr. Jacquot coming back  
in a month and so on and so forth but carry on with your  
questions in the meantime, Mr. Steeves.

MR. STEEVES: Q Right.  
Mr. Jacquot, I understood you to say that some of the  
older members of your people are concerned about the  
effect any major development such as a pipeline might  
have on, first of all, on game. Am I correct in my  
understanding of what you said?

WITNESS JACQUOT: That's right.





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

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Q And your people could tell

us; that is, the applicant -- can tell this Inquiry what  
they think should be done to control or limit the  
impact of a pipeline on the game, could they not?



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1  
2 A I think if they were given  
3 the opportunity to suggest where they indeed the laying  
4 on that line was and to study the route very carefully.  
5 Right now, we have alternate routes to study and in  
6 some cases we're saying "no" and in other cases we're  
7 saying "maybe" if certain things are done.

8 Q Yes.

9 A I think that, you know,  
10 I think our first position is that we wish to you  
11 know, we have to reiterate that we have to have a  
12 land claims settlement. We see that as a must before  
13 any major operation is imposed. I think that there has  
14 to be much consideration given to indeed where that  
15 pipeline is going and some places where, you know, we're  
16 quite interested in preserving some of the wildlife  
17 in the Old Crow area. We're talking about the caribou  
18 herds and migration patterns. How they would be  
19 disturbed, calving grounds. There are many things that  
20 we have to be aware of and I think that the pipeline  
21 people have to be more aware of.

22 Q How can the pipeline people  
23 find out about this? Is this a bad place to talk about  
24 it?

25 A No I think it's a good  
26 place to talk about it. I think that we're seeing  
27 happen today, you know, is that we're seeing that -- I  
28 listed a few things. Some of the things that did happen  
29 with the building of the 3-inch line. I think that  
30 if for instance indeed if there are pipeline people, the



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 experts suggested something -- salt water through a  
2 pipeline in October -- even asked the people of the  
3 Yukon Territory<sup>or</sup> even came to Burwash and just asked  
4 anybody if this was a good<sup>idea,</sup> that indeed that wouldn't  
5 have happened because like I say, on the 20th of  
6 October it was 48 below and it doesn't take an expert  
7 to figure that water will freeze at that temperature  
8 whether it's under pressure or not.

9 Q Can you tell me any more  
10 about the kind of inputs that your people would like to  
11 have into the construction and operation and maintenance  
12 of the pipeline, if it's decided to build one?

13 A There are many things  
14 Mr. Steeves and at the present time, I think that it  
15 would be sort of a detriment to the people I represent  
16 to suggest that we have all the answers. We don't have  
17 all the answers. I think it's something that if indeed  
18 the pipeline was going to be going through that we would  
19 then study that route carefully first and to hopefully  
20 have a voice in suggesting what means of control we see  
21 a pipeline going.

22 We -- on some of the questions  
23 this morning, there was whether or not guns were able  
24 to come into camps and you know during the construction  
25 of the highway and indeed the construction of the pipe-  
26 lines. I might just add in construction camps that  
27 you know, guns were seen quite frequently. In fact,  
28 I think there are R.C.M.P. cases of where people were  
29 picked up for having loaded guns which became unlawful  
30 to carry a loaded gun and a rifle in a vehicle and this





Cruikshank, McClellan  
 Johns, Jacquot  
 Cross-Exam by Steeves

1 type of thing and I think that if we look at -- or if  
 2 we can believe what we hear over the radio or indeed see  
 3 on the news that we understand or read in the newspaper  
 4 is that indeed this is really happening in the Alaska  
 5 situation and although it's hearsay and what we read I  
 6 believe that it's a reality.

7 Q If this is the best place  
 8 for the pipeline and your people to talk about this,  
 9 how can we go about doing that?

10 A Well I think first we have  
 11 to have a decision from Mr. Berger or from the Govern-  
 12 ment of Canada to agree that indeed that there would  
 13 be -- that the application is acceptable. I think then  
 14 we have to do further studies on to find out the routes  
 15 that we're talking about and then to initiate some of  
 16 the controls as we see them.

17 Q I do not want to be unfair  
 18 to you or the organization that you represent. Am I  
 19 being unfair to you or that organization if I pursue  
 20 your question further as to what control there should be  
 21 and how your group should make the input into those  
 22 controls? You've told me, as I understand that you  
 23 want to do it later. Is that correct?

24 A I'm suggesting that there  
 25 should be certain controls imposed.

26 Q Yes.

27 A I think that you would  
 28 be foolish in denying that we were given the opportunity  
 29 to suggest what controls we're talking about and there  
 30



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 would be many controls as we see them. I think that  
2 it would be foolish for us to say that "no, we wouldn't  
3 do that".  
4

5 What I'm saying today is that  
6 I wasn't prepared -- I didn't come prepared to say  
7 the types of controls that we see or foresee in the  
8 future because I don't think any people are able to  
9 visualize what actually an impact of that multitude  
10 would be in this context.

11 Q Well --

12 A I think that after the  
13 applicant, whichever applicant is successful, and wherever  
14 the routes are, I think that then would be the time  
15 for us to -- and given, you know the recommendation from  
16 this Inquiry that we do have some means of input or in  
17 control and control seems to be the name of the game.  
18 I think that then we should be obligated to come forward  
19 or given time to come forward with our suggestions.

20 Q I think you're telling me  
21 if I can interpret what you're saying, until the decision  
22 is made as to whether or not there's going to be a  
23 pipeline and what the route of that pipeline will be,  
24 you can't really say what the controls should be. Am  
25 I understanding you correctly?

26 A I'm saying that in one  
27 sense of the word but in other -- in other words, I'm  
28 trying to -- I think my presentation was to prove to  
29 this Inquiry that there definitely, and I hope that you  
30 leave here with that in your mind, that there definitely



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1 has to be certain controls and if we can achieve that and  
2 if the Indian people of the Yukon Territory have some  
3 means of establishing some of the controls, I think that  
4 we are going down the right track.

5 Q O.K. You would like this  
6 Inquiry at the end of <sup>it</sup> all to recommend that your people  
7 have an input into how a pipeline, if it's going to  
8 built will be built and how it will be run.

9 Can you tell me how you see  
10 that input being achieved. I mean, how are you -- have  
11 you any idea about -- have you thought about that?

12 A I think that we have  
13 different boards. In the Alaska situation, the Alaska  
14 highway -- the building of the Alaska highway, they had  
15 boards that didn't have very much control or input into  
16 the designing or even indeed in the routing of the  
17 highway. I think that what we're talking about here is  
18 of having representation -- not you know, window  
19 dressing sense, but of having at least -- having some  
20 input into the direction and to I think, the direction  
21 -- one of the things would be the -- main thing that  
22 would be the direction and I think strong evidence has  
23 been given throughout all the Inquiry on that.

24 The other thing would be to  
25 have some measure you know in the cases of going around  
26 the lakes or crossing rivers or there may be other  
27 things that we would have greater input into and then  
28 the game aspect. The whole bit.

29 Q Do you see that as absolute  
30 control or as a shared control?





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

1  
2 A That's sort of a mis-  
3 leading question but I'll try to --

4 Q I'm sorry. Well then,  
5 don't answer it. I don't want an answer to questions  
6 you consider misleading. Do you understand what I'm  
7 after?

8 A I can't quite grasp what  
9 you're after and if you could probably explain it to  
10 me.

11 Q Well, you know, you are  
12 saying to me and to this Inquiry that it's absolutely  
13 essential that your people have some input into control-  
14 ling the construction and operation of this pipeline  
15 and I'm not sure how that control is going to work.

16 A I think that you know --

17 Q And how your input's  
18 going to be made.

19 A That's right.

20 Q I would really like to  
21 know what your thoughts are on that.

22 MR. VEALE: Mr. Commissioner,  
23 Mr. Steeves is coming at this in many different ways and  
24 on several tries, but it seems to me that the position  
25 has been made clear by the Council for Yukon Indians  
26 that they have spoken of a majority ownership position  
27 by native peoples of the pipeline and I don't see that  
28 it's going to be fruitful to press Mr. Jacquot for  
29 further details on the precise nature and implementation  
30 of that control at this time.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Steeves

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THE COMMISSIONER: Well I think what we'll do is adjourn for lunch now and counsel can hold their meeting and maybe counsel would just consider the matter in this light. The native organizations, all of them, have said that they are opposed to a pipeline being built until their land claims have been settled.

Now, the question Mr. Steeves says, is can a pipeline be built in all its ramifications without prejudice to land claims. In other words, will it impair their bargaining position or render the uses of a land claims settlement nugatory if a pipeline is built before the claims are settled.



Cruikshank, McClellan  
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Cross-Exam by Steeves

1 Now that's the first issue.  
2 that you will be discussing.

3 Now I think that that question  
4 of prejudice is one that in a sense we've heard a lot  
5 about at the community hearings and from the witnesses  
6 who have given evidence so far in Phase 4, and no doubt  
7 we'll hear more about it. Mr, Steeves is arguing that  
8 the evidence must become rather more specific than it  
9 has been, as I understand his point, and you people  
10 can review it.

11 Now, the second thing that  
12 concerns me is this. Let us suppose that land claims  
13 were settled. If it were simply a matter of agreeing  
14 that the native people have title to the lands they  
15 claim and the Government of Canada were to extend its  
16 power to expropriate<sup>a</sup> pipeline right-of-way, then it  
17 might well mean that land claims could be settled and  
18 the power of expropriation exercised in a way that  
19 would confront us with the question of establishing  
20 safeguards for the native people that we would have  
21 had to establish, even if there were no settlement of  
22 land claims. So I think that the native organizations  
23 should do their best to indicate what political and  
24 economic organization they envisage being erected on  
25 the basis of a land claim settlement. We've had some  
26 indications already and we're well aware of the evidence  
27 we've heard in the villages and the evidence that  
28 leaders of the organizations have presented and evidence  
29 such as that given by Mr. Cheezie and Mr. Kurszewski,  
30 and the constitutional and legal foundation that





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1 Professor Russell and Mr. Sanders sought to lay for  
2 these things.

3 All right, but we have to have  
4 some idea, it seems to me, subject to what all of you  
5 may say, about the way in which that political and  
6 economic organization that the natives wish to erect  
7 upon a land settlement would interact with a system  
8 of controls over a gas pipeline and energy corridor.  
9 I just leave that with you and I hope that what I've  
10 said indicates what I'm trying to grapple with here.

11 I think the native organizations  
12 should understand that land claims is to most white  
13 southerners, except those of us who have been up here  
14 now at the Inquiry, is an imperfect rendering of  
15 what the native people envisage.

16 So let's adjourn until two  
17 and we hope that you gentlemen solve all of our pro-  
18 blems in the meantime.

19 (PROCEEDINGS ADJOURNED TO 2 P.M .)  
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1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

2 MR. GOUDGE: As we begin this  
3 afternoon, Mr. Commissioner, and before we get into the  
4 matters that counsel discussed at lunch, there are one  
5 or two housekeeping matters. Mr. Bayly has one.

6 MR. BAYLY: Mr. Commissioner,  
7 I have received a letter from Russell Anthony and attache-  
8 d to it is a letter to him from Mr. Zoltai, who  
9 you remember gave evidence for the Canadian Arctic  
10 Resources Committee, and I'd like to file it as an  
11 exhibit, the reason being that it is -- the letter is  
12 the result of a meeting Mr. Zoltai had with Mr. Williams  
13 of Northern Engineering Services over a dispute they  
14 had about certain portions of the route. Following  
15 that meeting those differences are discussed in this  
16 letter and Mr. Zoltai expressed the wish that it  
17 be filed.

18 I would like to file just for  
19 your information Mr. Anthony's letter with it, that  
20 describes the situation that arose that led to the  
21 meeting between Zoltai and Williams. I have two  
22 copies.

23 THE COMMISSIONER: This is  
24 Mr. Zoltai's letter?

25 MR. BAYLY: I have Mr. Zoltai's  
26 letter and attached to that Mr. Anthony's letter.

27 THE COMMISSIONER: Well, does  
28 Mr. Zoltai's letter indicate that a copy of his  
29 letter went to Mr. Williams? If not, we might bring  
30 the matter to Mr. Steeves' attention.



1 MR. BAYLY: I have a copy.

2 THE COMMISSIONER: This is a  
3 letter from Mr. Zoltai, who is an expert on terrain  
4 -- well, on terrain, and he had a conversation with  
5 Mr. Williams, who is a <sup>very</sup> eminent engineer who has  
6 been a witness for your client on a number of occasions.  
7 All I'm saying is Mr. Bayly can file this letter and it  
8 will be marked as an exhibit, but you should just write  
9 to Mr. Williams, enclose the letter, and ask him if  
10 he has any comments.

11 MR. BAYLY: Sir, I have a  
12 copy of that letter for Arctic Gas.

13 THE COMMISSIONER: Fine.

14 MR. BAYLY: In addition to the  
15 one I would seek to file.

16 MR. GOUDGE: I have three matters  
17 I would like to table. The first is Mr. Longlitz, as  
18 you recall, sir, gave evidence in Inuvik and at that  
19 time was asked on the record for his undertaking to  
20 provide certain additional pieces of information. He has  
21 now done so in a hard-bound document entitled:

22 "Seismic programs completed in the Mackenzie Delta."  
23 I'd like to tender that as an exhibit.

24 As well, at the Aklavik  
25 community hearing in February the issue of a Shell  
26 Oil land use application was raised by local residents.  
27 Mr. Bissett of the Department, who attended those  
28 hearings, followed up the raising of that issue by the  
29 local residents and <sup>has</sup> provided some information concerning  
30 that land use application which as well I would like





1 to file.

2 Thirdly, I have received from  
3 Mr. Ballem, who acts for the producer companies, the  
4 responses made by his client, Shell Canada Limited to  
5 certain questions that were asked of them in Inuvik  
6 at the formal hearings. They are relatively lengthy  
7 and perhaps they could be tendered in a package as an  
8 exhibit as well.

9 THE COMMISSIONER: Are those  
10 the questions I asked about employment of natives and  
11 others in the producers' operations in the delta?

12 MR. GOUDGE: They are not,  
13 sir. I've been in touch with Mr. Ballem about that  
14 and he indicated to me that he hoped by the end of  
15 April or mid-May to have provided a joint answer.  
16 Those requests, I think, were made of all three companies  
17 and my understanding was that he was to provide answers  
18 from all three simultaneously.

19 Well, sir, at lunch counsel  
20 met to raise -- to discuss the issue that was put to  
21 us this morning, which involves, as was said this  
22 morning, the degree to which any of the native organiza-  
23 tions appearing before you ought to be required to  
24 describe the nature and extent of their land claim  
25 to you. In particular that relates to the Brotherhood  
26 of the Northwest Territories.

27 Mr. Bell has indicated to us  
28 at lunch time that the evidence of the Brotherhood  
29 will obviously be continuing. They have some four or  
30 five more panels to call, the last of which will be a



1 policy panel. That policy panel will, as I understand  
2 it, have as they presently intend, leaders of the  
3 organization for which he acts who will be in a position  
4 to state as best they can the nature and extent of  
5 that land claim, either in chief or in response to  
6 cross-examination. I suggested at lunch, sir, that it  
7 would be a more fruitful discussion of this particular  
8 issue were it conducted following the hearing of that  
9 evidence. Once that evidence has been heard, we will  
10 all then be in a position to know in detail the nature  
11 and extent that the Brotherhood is able to provide to us  
12 of their land claim. My own estimate of the time frame  
13 within which that evidence would be led is something  
14 in the order of a week, that is by the end of the next  
15 week of formal hearings in Yellowknife I would anticipate  
16 that we would have got to that evidence.

17 It may well be that on hearing  
18 that evidence the difference of view that was put to  
19 you this morning will be put again. There is, however,  
20 the possibility that it will not be put, should that  
21 evidence prove to have the detail that all participants  
22 in their own views seek.

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1 My suggestion made at lunch  
2 time and which I put to you now sir as a method of  
3 solving the problem, at least for the moment, is that  
4 we await the hearing of that evidence, leaving it open  
5 of course to all participants on the hearing of that  
6 evidence to make their own determination and to renew  
7 before you the questions that were raised, particularly  
8 by Mr. Steeves this morning.

9 To be fair to him I believe  
10 he has a little reluctance about that proposition. I  
11 think other counsel generally were prepared to accept  
12 that temporary solution.

13 I put it forward to you sir as  
14 one which would permit us a rather more rational basis  
15 on which to conduct the discussion. Having said that  
16 sir and dealing only with that particular issue, I think  
17 I should pause and see if other counsel wish to respond.

18 MR. HOLLINGWORTH: Well, it's  
19 a temporary solution at best sir and that's the way I  
20 look at it. I'm very pessimistic that the production  
21 of the policy panel by the Brotherhood is going to  
22 change anything and I think we're going to be arguing  
23 about this after that panel is on.

24 THE COMMISSIONER: Mr. Bayly  
25 your -- if Mr. Steeves had been here, when you were  
26 calling evidence, we might well have gotten into the  
27 same kind of argument but I don't think you've produced  
28 any evidence in Phase 4 but I understand you will be.

29 Now, your client has outlined  
30 in very great detail, a proposal regarding its land claim





1 that bears on our work insofar as your client's claim  
2 territory over which these pipelines, both of them  
3 will pass if they are built.

4 NOW, I should have raised this  
5 before lunch but you might, all of you, think about this.  
6 If you look at the proposal Mr. Bayly's clients have  
7 made, I'm talking about the Nunavut Proposal, you may  
8 find that it -- let's say the pipeline companies may  
9 find that it enables them to come to grips with this  
10 question of prejudice Maybe it doesn't. That's  
11 perhaps something that is very difficult to do in these  
12 circumstances.

13 Does it -- you might in looking  
14 at Mr. Bayly's proposal and I understand Mr. Bayly will  
15 call a panel to discuss the Nunavut Proposal, you may  
16 want in looking at that proposal to consider not only  
17 whether it enables you to address the question of  
18 prejudice , but whether it enables you to address the  
19 problem, well, if the Federal Government agrees to the  
20 proposals contained in the Nunavut document, does that  
21 assist you in determining what the relationship would  
22 be between the new Territory of Nunavut or some variant  
23 thereof and the pipeline proposals.

24 Now, I -- you were not facing  
25 Mr. Bayly's evidence now so we don't have to struggle  
26 with that but it certainly --

27 MR. BAYLY: Mr. Commissioner,  
28 if it was that situation, I would have referred Mr.  
29 Steeves to that panel that would be discussing that  
30 explicitly except inasfar as any witnesses as I was



1 calling could comment perhaps personally on the concerns.  
2 That doesn't mean I suspect that we can say that  
3 because the Eskimos have come forward with a certain  
4 kind of proposal that that puts an obligation on other  
5 native groups to do the same thing.

6 THE COMMISSIONER: No, no, no.

7 MR. BAYLY: It may be easier to --

8 THE COMMISSIONER: I'm saying  
9 let's not forget about you in this flurry of excitement  
10 about Mr. Bell's comments.

11 Now, no one's under an obligation  
12 in the sense that the negotiation and settlement of  
13 these land claims proposals are a matter for the natives  
14 and the Government of Canada. No one should lose sight  
15 of that but we have a job to do and --

16 MR. BAYLY: I understood from  
17 our discussion, in addition to what Mr. Goudge had said  
18 sir, that we might be having a difference of opinion as  
19 counsel as to what prejudice was, and it strikes me  
20 sir that there may be elements that native groups would  
21 want to argue are prejudicial to even preparing a  
22 land claims proposal because of the shadow of an im-  
23 pending development.

24 Now, that may not be the case  
25 but that may be a kind of prejudice about which an  
26 applicant for a pipeline is powerless to do anything  
27 about, whereas the individual prejudices about which  
28 you have heard some evidence at the communities that  
29 relate to camps near villages, job discrimination or  
30 whatever may be things that are easier to deal with.



1 THE COMMISSIONER: Did you  
2 want to say something Mr. Steeves.

3 MR. STEEVES: Certainly. Thank  
4 you. All I want to say is that as they do in basketball  
5 I'll hold my hand up. I oppose temporary solutions  
6 which I think, in terms of this issue are a contra-  
7 diction in terms. I think we've got to grapple with it.  
8 I'm not insisting that I be heard again this afternoon on  
9 it. I've said enough. But, that's my position.

10 We've got to grapple with this  
11 issue and the sooner the better as far as I'm concerned.  
12 I'm sorry, I don't want to say -- thank you for hearing  
13 me.

14 MR. BELL: I find myself without  
15 a microphone so you just have to bear with me while  
16 I shout.

17 MR. STEEVES: Don't shout at me.

18 MR. BELL: It would be a  
19 friendly shout anyway. I think sir that what became  
20 clear at our meeting was that there is a fundamental  
21 disagreement between us on the one hand and Arctic Gas  
22 on the other hand as to just exactly what "prejudice"  
23 means and when I -- I've said in the past that all of  
24 our witnesses are going to address the question of  
25 prejudice and it's our conception of what prejudice  
26 is that they are addressing, and obviously Mr. Steeves  
27 doesn't agree that that's what prejudice means, and  
28 the central prejudice that we are talking about here  
29 is the prejudice to the political right to control  
30 what happens on Dene land.





I would submit, sir, that no matter what details of the claim, you might want to flesh that in, that issue still remains as the central one to which we are directing our attention, and it is that issue, it is that aspect of the claim that we feel is most important; <sup>that is</sup> the primary aspect of the claim which would be prejudiced.

Now details of the claim after that are of secondary order, I would say. We are perfectly happy to have the members of the Dene Land Claims Committee appear here as the policy panel and answer questions as best they can as to the details of the claim, and I've undertaken to do that. As you know, sir, we have agreed to present a proposal, a document to the government by the end of October, beginning of November. The process of preparing that is going on now, and I can't predict what the end result will be. We'll be able to present evidence as to where we are at the time the panel appears. If Mr. Steeves wants, we can wait until the final document is prepared and then present that evidence.

MR. STEEVES: Well, this is a practice that I'm not accustomed to. I'm used to the idea of meetings between counsel, but I'm not familiar with the practice of people stating before the tribunal, part of the discussion which may have been contributed by one party or the other. I'm not going to participate in any more counsel meetings if this is the course that's going to follow such meetings. I don't, with respect, I think you destroy the whole value of



1 meetings with counsel if this starts.

2 THE COMMISSIONER: Well --

3 MR. BELL: Well, I was just  
 4 trying to delineate what the issue was. I apologize  
 5 to my friend if I overstepped that bound.

6 Well, I think that's --

7 MR. STEEVES: Let's have a  
 8 counsel meeting and let's talk about it, shall we?  
 9 Seriously, let's get some ground rules.

10 THE COMMISSIONER: Well, Mr.  
 11 Steeves, counsel meetings have been held regularly for  
 12 15 months and --

13 MR. STEEVES: I understand that,  
 14 sir.

15 THE COMMISSIONER: -- and they  
 16 usually produce about as much talk before the tribunal  
 17 as they must have produced at the meeting itself. But  
 18 they've been useful and I don't think Mr. Bell intended,  
 19 and I don't think anyone in the past has sought to  
 20 violate any tacit understanding that would limit the  
 21 disclosure of what was said to the Inquiry.

22 The -- what you're saying, Mr.  
 23 Goudge, is that the Brotherhood and the Metis Association  
 24 are going to bring a panel before us when we return  
 25 from Southern Canada that will, as best it can, indicate  
 26 the nature and extent of the Dene land claims. We already  
 27 have a document adumbrated in detail the nature and  
 28 extent of the Inuit land claim, and we have -- or we  
 29 weren't made privy to the land claims of the Yukon  
 30 Council of Indians, we got a proposal from Chief Smith



Cruikshank, McClellan  
Johns, Jacquot

1 that certainly gave us something to think about, and  
2 it may well be it gives us an opportunity to reflect  
3 on what may be in the land claim of the Council of  
4 Yukon Indians. Yes?

5  
6 JULIE CRUIKSHANK  
7 CATHERINE MCCLELLAN  
8 JOHNNIE JOHNS  
9 JOE JACQUOT, resumed:

10 WITNESS JACQUOT: I'm not aware  
11 that you have or haven't received a document that was  
12 presented to the government called:

13 "Together Today, For Our Children tomorrow."  
14 It generally outlines the Yukon's position.

15 THE COMMISSIONER: That is the  
16 proposal you presented to the Federal Government in  
17 1973, I think.

18 A That's right.  
19 THE COMMISSIONER:  
20 In Ottawa, yes, I've

21 seen that. Well, I think that we have learned a lot  
22 at the community hearings and in the formal hearings  
23 about what the natives and their organizations regard  
24 as prejudice. We understand that the companies take  
25 a different view of what constitutes prejudice.  
26 Certainly we have to come to grips with this. I think  
27 that all parties are doing their best to bring forward  
28 the evidence they are able to assemble and I think that  
29 I'm simply in the hands of the parties, when it comes  
30 to that. I made it clear that when we began this Inquiry  
what evidence I felt we had to have, and I think I can  
say on the basis of the evidence I've heard so far that





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all  
1 /parties are trying to conform to those rulings I laid  
2 down and trying to bring forward the evidence that will  
3 enable us to make a judgment , will enable me to make  
4 a judgment on that vital question of -- as to whether  
5 there should be a settlement of native land claims be-  
6 fore pipeline and energy corridor are established.

7 I think that I will simply put  
8 it this way, that the matters of the one that we have  
9 to work out as best we can, and I'm an optimist, I think  
10 we can work it out. I think that if the parties do  
11 their very best we will have a body of evidence  
12 before us that will enable the pipeline companies to  
13 address themselves to the whole question of prejudice  
14 and will enable the Inquiry to make a judgment on it.

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Cruikshank, McClellan  
Johns, Jacquot

1 So I think I'll simply leave  
2 it at that for now.

3 You know, if you had already  
4 established -- let us suppose Mr. Bayly that the  
5 Government of Canada were to agree, you have a fully  
6 fleshed out proposal so it's easier to deal with your  
7 situation, and let us suppose the Federal Government had  
8 agreed to that in toto. At the same time, suppose they  
9 had said that as a matter of national policy, by  
10 national policy that the pipeline had to be  
11 built. Then, the Government of Canada and the Government  
12 of Nunavut, speaking hypothetically, might well collabor-  
13 ate on the establishment of an inquiry such as this  
14 one to develop the terms and conditions under which it  
15 should be built.

16 The Inquiry still faces the  
17 obligation, whatever I may recommend with regard to land  
18 claims, the INquiry still faces the obligation of  
19 developing a set of terms and conditions under which  
20 the pipeline should be built, if it is to be built, and  
21 that is a step that you say -- when I say "you" I mean  
22 the native organizations -- you say should only come  
23 after the land claims issue has been settled. But this  
24 Inquiry has to consider, as I said from the very beginning  
25 I would, the issue of land claims, but I must then go  
26 on, in any event, in this Inquiry when I hand in my  
27 report to set out <sup>those</sup> terms and conditions. Terms and  
28 conditions that would have to be set out if we were  
29 already -- if land claims had been settled in the past  
30 and we were now addressing the question, what terms and



Cruikshank, McClellan,  
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1 conditions should attach to the building of a pipeline  
2 if the Government of Canada were to determine as a  
3 matter of national policy it ought to be built.

4 But I hope that I'm not asking  
5 you all to comment on that but I hope I'm making some  
6 sense.

7 MR. BAYLY: Mr. Commissioner,  
8 that we did address this right at the beginning of the  
9 Inquiry when we made our opening statements and as I  
10 recall, certainly some of the opening statements made  
11 by native groups, while taking the position that land  
12 claims should be settled prior to any construction of  
13 pipelines in the Mackenzie Valley, that they were  
14 prepared nonetheless to discuss terms and conditions  
15 of a pipeline if one was to be built.

16 THE COMMISSIONER: I'm just  
17 addressing the native organizations generally, because  
18 there is a tendency -- a perfectly human tendency --  
19 to focus on land claims to the exclusion of other things.

20 I acknowledge that this is a unique Inquiry and  
21 to bring together these issues and to sort them out,  
22 is a difficult matter, but I am satisfied that so far  
23 we have been making very good progress in doing that.

24 Well, I think that brings us  
25 back to this panel who have suffered through a lot  
26 yesterday and today and I --

27 MR. GOUDGE: I'm afraid sir  
28 we may have to prevail on them for a moment longer.  
29 We had sought to, subject to your ruling, to argue now  
30 the motion that Mr. Veale proposed on asking the Inquiry





Cruikshank, McClellan,  
Johns, Jacquot

1 to conduct community hearings along the Fairbanks  
2 corridor. I don't whether you propose to hear that now  
3 or later on this afternoon. We're in your hands sir.

4 MR. VEALE: Mr. Commissioner,  
5 I am prepared to argue that now or hold it off until  
6 perhaps this evening. I don't know whether this Inquiry  
7 wishes to sit this evening or not but it appears that  
8 this particular panel will be departing tonight.

9 THE COMMISSIONER: Obviously  
10 you're not a hockey fan. You and I will be here and  
11 no one else will.

12 MR. VEALE: Well, that may  
13 be an appropriate time to make my submission. But  
14 Mr. Notti also has to make an airplane connection  
15 tonight in order to get to Edmonton to get back to  
16 Anchorage and I would hope that his evidence could be  
17 heard today as well.

18 THE COMMISSIONER: Well, could  
19 I just ask counsel if they have any idea how much longer  
20 we will need to keep this panel for purposes of cross-  
21 examination. I can't imagine it is going to be much  
22 longer.

23 Mr. Steeves, did you have  
24 anything further you wish to --

25 MR. STEEVES: Well, I'm sorry.

26 THE COMMISSIONER: Don't say  
27 you're sorry.

28 MR. STEEVES: The typical  
29 as  
30 answer "yes" and "no". I'm not sure that I should  
pursue what I was trying to pursue this morning in view



Cruikshank, McClellan,  
Johns, Jacquot

1 of -- I don't want to end up with having achieved a  
2 fait accompli so far as the Yukon Council of Indians  
3 is concerned That's one of the reasons that I want  
4 to address this problem squarely and now. I think if  
5 I pursue the question I was trying to get on to this  
6 morning, I'm in effect doing that and what I would  
7 like to do so that this problem doesn't become distorted  
8 by whatever I do this afternoon, to stop my cross-  
9 examination now, and if I may have your leave sir, to  
10 apply again to bring back this panel if I deem that  
11 advisable or necessary when we've come to a better  
12 understanding of the problem we talked about today.

13 I mean it seems to me I  
14 could very easily say, "Well that's what you say sir  
15 but now I'm going to go right around it" and I don't  
16 want to do that. It's too important to do that, and  
17 I want to come to grips with the problem and continuing  
18 now is not coming to grips with it.

19 So, I would like to do that.  
20 That's my position.

21 THE COMMISSIONER: Well Mr.  
22 Veale, these are your witnesses. Do you go along with  
23 that? As I understand it, Mr. Steeves might seek later  
24 on to recall Mr. Jacquot and again he might not.  
25 That's the position. I think that he and Mr. Jacquot  
26 had reached the outer limits so far as the usefulness  
27 of the discussion is concerned.

28 I don't think any of us would  
29 stand to gain a great deal from the continuation of that  
30 discussion as things stand now.



Cruikshank, McClellan  
Johns, Jacquot

1 MR. VEALE: Well I certainly  
2 can't prevent Mr. Steeves from making whatever applica-  
3 tion he wishes, Mr. Commissioner. I have indicated  
4 quite strongly that Mr. Jacquot -- I would agree with  
5 your view of the cross-examination to this point and  
6 I don't think that any subsequent re-attendance would  
7 be any more fruitful, particularly because of Mr.  
8 Jacquot's time commitments on land claim negotiations.  
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Cruikshank, McClellan  
Johns, Jacquot

1 He may not in fact be available  
2 even if the application were granted.

3 M R . STEEVES: I'm sorry, you  
4 may not what?

5 MR. VEALE: Well, Mr. Steeves,  
6 I'm saying he may not be available to return if he's  
7 involved in day to day negotiations with the Government  
8 of Canada.

9 THE COMMISSIONER: Well, Mr.  
10 Veale, I'm sure that your client would want Mr. Jacquot  
11 to return if I indicated I thought it would be useful to  
12 the Inquiry for that to be done. I really can't imagine  
13 Mr. Jacquot declining to appear again. I'm sorry,  
14 Mr. Jacquot, that we're running into some difficulty  
15 here, but I'm anxious to make sure that both of these  
16 pipeline companies get every chance to deal with the  
17 objections the native people have offered to the  
18 pipeline project and it isn't easy sometimes for them  
19 to come to grips with these considerations, and so that's  
20 why we're -- that's why I'm inclined, subject to what  
21 Commission counsel may say, to go along with Mr.  
22 Steeves.

23 Do you want to add anything,  
24 Mr. Goudge, or do you want to ask any questions?

25 MR. GOUDGE: Well, sir, let  
26 me address the matter as it stands now. I would think  
27 that it would be quite possible to make an arrangement  
28 to have Mr. Jacquot back, <sup>if</sup> on re-consideration if Mr.  
29 Steeves felt that he had further cross-examination that  
30 he wanted to make. I'm sure a mutually convenient time



Cruikshank, McClellan  
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1 could be arranged; we've done it in every other case  
2 and I see no reason why it couldn't be done in this  
3 case.

4 MR. VEALE: Mr. Commissioner, I  
5 take it that Mr. Steeves is referring to the line of  
6 questioning he has been pursuing on the terms and  
7 conditions and not details of negotiations. Am I  
8 correct in that?

9 THE COMMISSIONER: Well, one of  
10 the problems is that those things have a tendency to  
11 merge, even to be fused; this is an imperfect world  
12 and we're doing the best we can, and will continue to  
13 do the best we can. Only at the end of the day will we  
14 know whether that's been enough.

15 So do you want to ask any  
16 questions before we allow this panel to go back to  
17 their lawful pursuits?

18 MR. GOUDGE: At the risk of bring-  
19 ing the wrath of the bench down upon me, sir, I would  
20 like to ask just one or two questions, if I may.

21  
22 CROSS-EXAMINATION BY MR. GOUDGE:

23 Q Perhaps Dr. McClellan,  
24 I could ask you to turn to page 6 of your prepared  
25 evidence.

26 WITNESS MCCLELLAN: Yes.

27 Q You say in the second line  
28 that:

29 "The consequences of the building of the highway  
30 were infinitely more disruptive than those of



Cruikshank, McClellan  
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1 the first gold rush."

2 A Yes.

3 Q Can you explain the  
4 reason for that, or reasons?

5 A Well, the building of the  
6 highway, that is the second rush obviously affected all  
7 of the Indians in Southern Yukon, where the first rush,  
8 while it was disruptive to some of them, was not  
9 disruptive to all of them and of course was not in its  
10 technological impact nearly as great. I think proportion-  
11 ately it was a matter of magnitude--

12 Q Yes, and that --

13 A -- of concern, and the  
14 range of consequences was indeed greater. I think we  
15 illustrated that in our paper.

16 Q Then I -- sorry.

17 A Excuse me, I might say that  
18 it seems to me also that the response of the native  
19 people themselves and the fact that they volunteered a  
20 great deal of this material comparatively speaking, has  
21 a very great weight in my own assessment of the situation.

22 Q Yes.

23 A And I think that is a  
24 point that I can't overstress. It isn't something that  
25 quantitatively in the record, but it strikes me from  
26 my experience with the native people to be qualitatively  
27 the correct view.

28 Q Then further on in page  
29 6 you state what I take to be your basic thesis, and that  
30 is that native adaptability, which appears to be a way





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1 in which change can be rationalized with native well-  
2 being, can occur where the natives have some measure  
3 of control over events. Is that a fair paraphrase of  
4 your basic thesis?

5 A Yes. It's because in the  
6 past it hasn't been a static past, is one point I've  
7 been trying to make. That is before the whites came  
8 even, environmen\_tally, it's the sort of thing, I think  
9 that Dr. Irving was addressing himself to.

10 Q Yes.

11 A The point is that once  
12 the change comes in an overwhelming manner from outside,  
13 this is really stressing all the ability of the natives  
14 to adapt. It was not the happy solutions which  
15 they've met that kept them alive there for all these  
16 years.

17 Q Is this principle, if I can  
18 elevate it to that status --

19 A I think you can.

20 Q -- one of general acceptance  
21 in anthropology, applicable not simply to your studies  
22 of natives in the Yukon but to other indigenous people  
23 and development?

24 A It's a theme which has  
25 certainly been stressed with respect to the people of the  
26 northern part of North America, that is the adaptability.  
27 Extending that world-wide is, I think, something I would  
28 be much less willing to go along with because there are  
29 some people who don't <sup>prefer to</sup> adapt at all. They just go under  
30 by preference. So in other words I think I could cite



Cruikshank, McClellan  
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1 | you a good many anthropological papers which have  
2 | stressed this very point with respect to a variety  
3 | of Athapascan groups and of Algonquians.

4 | THE COMMISSIONER: Do you  
5 | mind repeating the point?

6 | A What I'm trying to say is  
7 | I feel perfectly comfortable in saying that this has  
8 | been a striking characteristic of the northern Indian  
9 | peoples about whom I know the most.

10 | Q What has been a striking  
11 | characteristic?

12 | A The adaptability of  
13 | these people. They have adapted to a very harsh  
14 | environment, one which you have cyclical variations.  
15 | They have been able to adapt to various kinds of  
16 | impact. The question is overwhelming as to the impact and  
17 | the degree to which they have had any control in major  
18 | decisions that have been made outside.

19 | MR. GOUDGE: That's really the  
20 | principle that I'm interested in, Dr. McClellan.

21 | A Yes.

22 | Q That is the degree to  
23 | which adaptability as a workable defence mechanism, if  
24 | I can put it that way, depends on some measure of  
25 | control. Is that a principle of general anthropological  
26 | acceptance?

27 | A Well, I don't mean to  
28 | bring the issue, but in the sense that you have got to  
29 | first characterize the people as being highly adaptable,  
30 | and there are societies in the world about which I would



Cruikshank, McClellan  
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1 have some hesitation in saying this. We've seen societies  
2 disappear. Then you can't say that's a general anthro-  
3 pological principle, you see, for a given society.  
4 I'm saying that this is a principle which certainly  
5 has applied here, and I cannot speak because I do not  
6 think that this has been the kind of characterization  
7 that has been made of a variety of peoples that live  
8 in the world.

9 Q Now, let me ask one or  
10 two questions of you, Ms. Cruikshank, if I may. You,  
11 as I understand from your curriculum vitae, were  
12 involved in a study in Whitehorse concerning the impact  
13 of alcohol, is that correct?

14 WITNESS CRUIKSHANK: No, not  
15 quite. It was more an evaluation of a treatment centre  
16 for people with alcohol-related problems, so it  
17 dealt with specifically one institution rather than with  
18 the broad range of the impact of alcohol.

19 Q Could you give us in  
20 brief terms the nature of that institution?  
21  
22  
23  
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Cruikshank, McClellan  
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1 A Well, it's a small scale  
2 institution run by a board of directors which was set  
3 up in Whitehorse approximately three years ago and it  
4 was originally set up as a half-way house, and it's  
5 become more than that, in that it's now attempting to  
6 be a treatment center as well.

7 It's undergoing a lot of  
8 changes right now so that it might be quite different  
9 now than even when I was there during the last fall  
10 and early winter.

11 Q On page 20 of your evidence  
12 you say after dwelling at length on the problem that  
13 alcohol presented as a result of the Alaska highway that  
14 the trend in 1970 or by 1970 for some of the older  
15 Indians to request a return to restrictions on native  
16 drinking would probably not solve the problem of  
17 alcoholism. Why, in your view, is that so?

18 A Well, I don't believe that  
19 you can sort of reinstate something like prohibition  
20 that easily. The kind of feeling of people who've  
21 expressed this is just sort of a hopeless feeling that  
22 something has to be done. Maybe if we could cut off  
23 liquor sales in the village our problems would be  
24 solved.

25 However, you're dealing with  
26 an area which has a transportations network between  
27 the villages. People move back and forth from the  
28 villages to Whitehorse very easily. There are established  
29 liquor outlets in all the villages and it's something  
30 that even though -- one chief in particular very recently



Cruikshank, McClellan  
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1 has said it. Another chief earlier said it to Dr.  
2 McClellan. I believe that they know themselves that it  
3 isn't something that could be enforced at this point  
4 in time.

5 Q Well, if that solution  
6 or ameliorative device can't be policed effectively,  
7 do you have any views on any other schemes that might  
8 be used in the future to ameliorate this problem you've  
9 spoken of at length?

10 A There's a great deal of  
11 discussion about that now in the Yukon among different  
12 native organizations, and the feeling that many of them  
13 have which I would tend to concur with, is that it has  
14 to be part of any changes in drinking patterns in the  
15 village have to be a part of a much broader kind of  
16 program in the village which involves giving people  
17 alternative kinds of things to do in recreation, jobs,  
18 whatever ; that you can't simply isolate alcohol as a  
19 problem and deal with it as a problem apart from the  
20 entire community life of the village in which the  
21 problem is occurring.

22 THE COMMISSIONER: That's why  
23 you say that prohibition is a facile solution .

24 A That's correct.

25 MR GOUDGE: As well Ms.  
26 Cruikshank and here again I may have misread your  
27 curriculum vitae, but I understood that you had been  
28 involved in the preparation of certain educational  
29 aids that are now in use in the Yukon.

30 A That's correct.



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Goudge

1  
2 Q Can you tell us a little  
3 about what they involve and what the purpose behind them  
4 is?

5 A The purpose behind them  
6 -- there's been some talk for many years about the fact  
7 that the Yukon education system is based strictly on the  
8 B.C. curriculum and that there's no real modification in  
9 the Yukon with curriculum, and a number of organizations  
10 were interested in having changes made of this kind.

11 So, what we simply did was  
12 work on social studies units for two of the elementary  
13 grades; grade four and grade five, producing materials  
14 which were quite similar to those which would be used  
15 in British Columbia only adding Yukon content to them.  
16 So that, for example, in grade four, students in social  
17 studies learn about early cultures of North America,  
18 and until now they've been using materials from the  
19 northwest coast, Iroquois, Apache peoples elsewhere in  
20 North America.

21 I simply put together the material  
22 that we had from photographs and sketches and archives  
23 material and discussion with older people, legends and  
24 so on, into a format which could be used in grade four.

25 The grade five materials were  
26 simply community study kits which were put together for  
27 each village in the Yukon because in grade five they  
28 have a community study and until now they studied some  
29 community elsewhere in Canada. So they looked at their  
30 own community during this year.





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Goudge

1  
2 Q Have you given any thought  
3 to or have you in fact commenced to include any language  
4 materials in your kits?

5 A That's the work that  
6 John Ritter, who was a witness before you in the last  
7 few days, I believe has been doing and I've been working  
8 to some extent in conjunction with him but he is doing  
9 that at this time for a number of communities.

10 Q Those kits do not yet,  
11 I take it include language material.

12 A No, these were simply for  
13 the social studies unit and the language programs are  
14 done quite independently of that.

15 Q Yes. Now I take<sup>it</sup> both you  
16 and Dr. McClellan are -- have visited a variety of the  
17 native settlements in the southern Yukon. Is that so?

18 A That's correct.

19 Q And the two gentlemen on --  
20 WITNESS McCLELLAN: I would  
21 just like to say it's not a matter simply of visiting  
22 but living there for long periods of time.

23 Q Yes, of course, I'm sorry.

24 A Because I think there is  
25 very much of a distinction to be made.

26 Q I take it you would both  
27 as anthropology students or experts, be familiar with  
28 the term "dual economy" that has been used in this  
29 Inquiry previously. Does that term have meaning for  
30 you?



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not sure how it's been used in the Inquiry, but I --

Q Well, I hoped you would

THE COMMISSIONER: Let me

THE COMMISSIONER: Well this is

I've been to all of the -- not all but just about -- virtually all of the villages and you can see evidence of it, but being used to our way of wanting to reduce everything to statistics, we never feel quite comfortable in assessing it unless we have



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Goudge

1 someone like Mr. Rushforth come in and say "Now, this is  
2 the amount of meat they obtained and this is what they  
3 did with it and this is how I would quantify it and  
4 assign a value to it in our western terms".

5 Well anyway, that's -- I wanted  
6 counsel to know that that's what I thought we were  
7 talking about, yes.

8 WITNESS McCLELLAN: I have  
9 two questions so I fully understand. First, did he  
10 also add or make any qualitative assessment in relation  
11 to the quantitative assessment he was making?

12 Q Well, he used a standard  
13 of a replacement value to determine the money value that  
14 we should attach to that meat.

15 A But how about other  
16 aspects which are intangibles that don't mean in --  
17 no

18 Q Oh yes, he dealt with  
19 those. He dealt with those and said that --

20 A Because I would suggest  
21 that that is an equally important part of the picture.

22 Q Oh yes, yes.

23 A Both for us and for the  
24 natives. That's one point I'd like to --

25 Q Yes, I'm not for a moment  
26 overlooking that, I --

27 A Excuse me.

28 Q -- know that Mr. Goudge  
29 has gotten these question from an economist on the  
30 Inquiry team and so just reducing it to pure economics





Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Goudge

1 and comparing it with the wage money economy on the  
2 one hand and the Dene economy on the other hand. I'm  
3 not overlooking the spiritual and other aspects to the  
4 continued use of the bush and the barrens. Don't get  
5 me wrong.  
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Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Goudge

1 A Well, for a point of  
2 information one more thing, which is, did he address  
3 himself -- I perhaps was not listening closely enough  
4 at the beginning -- to the degree to which individuals  
5 moved in and out of these economies or held the dual  
6 economies; in other words one can think of a person  
7 being totally at one end and staying there pretty  
8 well, or moving with ease back and forth, or managing  
9 both at once.

10 Q He dealt with that,  
11 he dealt with that, his paper was about a 50-page paper  
12 and it appeared to be a most useful piece of work. I  
13 say that subject to his being cross-examined, which  
14 no one seemed particularly anxious to do at the time.  
15 But yes, he dealt with that. I should also tell you  
16 that in Tuktoyaktuk, which is an Inuit community, there  
17 was evidence given there by a spokesman for COPE, the  
18 Inuit organization in the delta, that the people in  
19 that community are essentially divided in this way,  
20 one-third are working full-time in the money economy;  
21 one-third are still living off the bush and the  
22 barrens; one-third are somewhere in the middle, but that  
23 all of them to a greater or lesser extent still value  
24 their association with the bush and still at least  
25 once a year will make a trip into the bush or the  
26 barrens to hunt, fish, and so on.

27 A Perhaps I should say my  
28 reason for asking about that has in part to do with  
29 the question you asked me about adaptability because  
30 I think one must consider the temporal aspect that



Cruikshank, McClellan  
Johns, Jacquot  
Cross-Exam by Goudge

1 Mr. Jacquot brought up too. I am aware of one of  
2 my own student's work in which a community had a lot  
3 of rapid changes technologically and there was movement  
4 back and forth through time, as well as adaptability to a  
5 given year or a short period of years, and so I think  
6 actually all of this has got to be considered.

7 THE COMMISSIONER: Well, I think  
8 now that I have so succinctly defined the issue of  
9 dual economy, we'll let you carry on.

10 MR. GOUDGE: I was really  
11 wanting to ask you, Dr, McClellan, and Ms. Cruikshank,  
12 in view of your experience whether there has arisen  
13 among the natives of the Southern Yukon the existence  
14 of this dual economy either in terms of those who  
15 can and do function simulataneously both in the wage  
16 economy and in the traditional economy, and in terms of  
17 those who may move back and forth from one to the  
18 other. Is it your experience that that exists in the  
19 Southern Yukon?

20 A I find that rather  
21 difficult to answer with the kind of precision which I  
22 believe this panel would like to have which you've  
23 just referred to, in the sense that I have not personally  
24 examined that as a focus of my own research. I do  
25 have the impression that there is movement back and  
26 forth, although I am still a little bit hampered by  
27 knowing to what extent the incorporation into the  
28 wage economy has been specified because I think we  
29 have made the point that short-term wage labor has been  
30 more characteristic.





Cruikshank, McClellan  
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Q What about you, Ms.

Cruikshank?

WITNESS CRUIKSHANK: My impression from the people I have discussed this kind of thing with, and it's not precise, is that during the 1930s and '40s there was more of this when you had a very regular kind of seasonal employment you could come to, for example, working on the river boat, but that -- and this carried right on through to the building of the highway, which is one reason why people so readily stopped hunting during that winter and came in to work on the highway, because it seemed to fit into a pattern where you could possibly work seasonally. But that since the highway, the kind of wage jobs that have been available have often been much more sporadic and very unpredictable, so that they might exist for a year or two here, and then not, it's a very irregular kind of pattern.

This kind of duality in the economy where, say, one individual can both hunt during the year and do some work in the wage economy requires a considerable amount of predictability, which simply hasn't been available and therefore people see it less as an alternative. I hope that's clear.

Q Would you concur with that, Dr. McClellan?

WITNESS McCLELLAN: Yes,

MR. GOUDGE: Thank you. Those are all the questions I have of this panel, Mr. Commissioner.



Cruikshank, McClellan  
Johns, Jacquot

1 THE COMMISSIONER: Re-examination?

2 MR. VEALE: No re-examination,  
3 sir.

4 THE COMMISSIONER: Well, thank  
5 you very much. I think I should say to you, Dr. McClel-  
6 lan, that I don't sit here with a slide rule trying to  
7 measure the evidence, but occasionally it is helpful  
8 to have someone like Mr. Rushforth to translate the  
9 native use of land into terms that are more readily  
10 understandable, not just to me but to people who have  
11 never been here in the north, and who don't understand  
12 well what's happening.

13 A I feel very much with  
14 you, that in fact the more kinds of data we have from  
15 all angles, the better off we are in improving our  
16 understanding, and I didn't mean to imply -- I  
17 just really wanted to find out whether that had been  
18 a part of the report.

19 Q It was a very  
20 important part.

21 A Yes, I can't over-stress,  
22 as I've said, the significance of this, I think, to  
23 the quality of life which I think is surely at stake  
24 here.

25 THE COMMISSIONER: And even  
26 to a sense of collective and individual identity. All  
27 right. Well, thank you very much, Mr. Jacquot, Mr.  
28 Johns, Dr. McClellan and Ms. Cruikshank, and I'm  
29 sorry we kept you longer than we had thought we would,  
30 but these things happen and we appreciate you, Mr.



Cruikshank, McClellan  
Johns, Jacquot

1 Johns and Mr. Jacquot, for telling us of your own  
2 personal experience and your own views on these  
3 matters, and I appreciate you, Dr. McClellan and Ms.  
4 Cruikshank, for sharing your research and learning with  
5 us. So thank you, and I hope it won't be necessary to  
6 ask you to return, Mr. Jacquot, but if it is we'll give  
7 you plenty of notice and sort it out in that way.

8 (WITNESSES ASIDE)

9 I was going to suggest that  
10 since Mr. Notti is a visitor from Alaska, it might  
11 as a matter of courtesy be the right thing to hear him  
12 now and argue that motion in the morning. We appreciate  
13 all of these people from Alaska, and there are many who  
14 have come so far to testify. We appreciate their  
15 coming and subject to what you all may think, I would  
16 suggest that we hear Mr. Notti now and let him catch  
17 his plane, if we can.

18 MR. VEALE: Certainly.

19 MR. GOUDGE: We could proceed  
20 with him now, sir. We might well be able to argue the  
21 motion at the end of the day.

22 MR. STEEVES: All I was going  
23 to say is this, sir. It might be of assistance to  
24 the Inquiry if in some way Mr. Notti were to hear Miss  
25 Forrest's evidence, which in a sense is a criticism of  
26 -- well, more than a sense, the essence of which is  
27 a criticism of the Alaska settlement.

28 THE COMMISSIONER: Well, perhaps  
29 we can rely on Mr. Goudge. If not, yourself and Mr.  
30 Hollingworth, to put - and you may not wish to cross-





1 examine Mr. Notti for reasons I could well understand.  
2 We could rely on Mr. Goudge to put the criticisms of  
3 Miss Forrest to Mr. Notti or call them in reverse order.  
4 I'll adjourn for five minutes so this panel can excuse  
5 itself and so either Mr. Notti or Miss Forrest or both  
6 of them can be presented on the next panel.

7 (LETTER FROM R.J. ANTHONY TO J. BAYLY DATED  
8 APRIL 28, 1976 & LETTER FROM S.C. ZOLTAI TO  
9 R.J. ANTHONY DATED JANUARY 30, 1967 MARKED  
10 EXHIBIT 620)

11 (LETTER FROM D. LONGLITZ TO COMMISSIONER DATED  
12 APRIL 29, 1976 MARKED EXHIBIT 621)

13 (LETTER FROM D. GAMBLE TO I. SCOTT DATED  
14 APRIL 22, 1976 & LETTER FROM J.T. INGLIS TO D.  
15 BISSETT DATED APRIL 5, 1976 MARKED EXHIBIT 622)

16 (LETTER FROM J. BALLEM TO S. GOUDGE DATED  
17 MAY 3, 1976 MARKED EXHIBIT 623)

18 (QUALIFICATIONS & EVIDENCE OF E. NOTTI MARKED  
19 EXHIBIT 624)

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21 (PROCEEDINGS ADJOURNED FOR FIVE MINUTES)  
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(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. VEALE: Mr. Commissioner the next panel for the Council for Yukon Indians consists of one witness, namely Emil Notti. The evidence of Mr. Notti and his qualifications have been filed with the Inquiry and I will now outline some of the highlights of Mr. Notti's qualifications.

EMIL REYNOLD NOTTI, sworn  
DIRECT EXAMINATION BY MR. VEALE:

Q Mr. Notti, I understand that you obtained a Bachelor of Science in electronics engineering at the Northrop Institute of Technology in California in 1961.

A Yes sir.

Q I also understand that you've now been sworn?

A Yes, I have been.

Q Then continuing on with your qualifications, that from October of 1964 to March of 1966 you pursued your career as an electronic engineer in the state of Alaska?

A I did.

Q I also understand that in 1966, you took up a position as field representative for the Human Rights Commission in the state of Alaska situated at Anchorage, Alaska?

A Yes.

Q I also understand that for a short period in 1967 you were a field coordinator for the Alaska State Community Action Organization in



F. R. Notti  
In Chiet

1 Anchorage, Alaska?

2 A I think that was in '65.

3 Q Pardon me. Then from  
4 1967 to 1970, you were president of the Alaska Federation  
5 of Natives.

6 A Yes.

7 Q And I understand that  
8 organization was involved in native land claims lobbying  
9 and organization of native organizations.

10 A It was a primary state-wide  
11 organization pressing for land claims, yes.

12 Q And that after March of  
13 1970 you were self-employed for a short time and then  
14 in 1971 you became Deputy Commissioner in the Department  
15 of Health and Social Services in the state of Alaska.

16 A That's right.

17 Q That subsequent to that  
18 you became the president, that was in 1972 up to the  
19 present time, you became the president of the Alaska  
20 Native Foundation.

21 A Yes.

22 Q That is located in  
23 Anchorage and perhaps you might tell us what the Alaska  
24 Native Foundation is and does.

25 A We're a non-profit  
26 corporation operating under state laws to -- our function  
27 has been primarily to do some training and publishing  
28 concerning land claims. During the early days after  
29 passage of the Land Claims Act, very few people knew  
30 what was in the Act so for the first two years, we ran





E. R. Notti  
In Chief

1 probably 800 people through two-day training sessions  
2 concerning the deadlines and requirements to meet the  
3 terms of the Act. We trained probably every board  
4 member on the regional corporations except for two  
5 regions.

6 We have published continuously  
7 from 1970 to until now, "Alaska Native Management Report"  
8 which is a news letter that comes out twice a month and  
9 we have published a number of papers concerning  
10 responsibilities under the Act, and our latest publication  
11 which I think is publication number 14 is a hard bound  
12 textbook called "The Alaska Native Land Claims" which is  
13 intended to be a secondary textbook in the schools for  
14 Alaska.

15 Q Mr. Notti, has a copy  
16 of that book you've just mentioned, has that been given  
17 to Inquiry staff and could it filed as an exhibit?

18 A I would have to mail  
19 one down and yes, it could be.

20 Q I understand that the  
21 Alaska Native Foundation is not --

22 THE COMMISSIONER: Excuse me,  
23 we have a copy of the book and it'll be marked as an  
24 exhibit if you wish that.

25 MR. VEALE: Oh, that's not  
26 necessary.

27 Q The Alaska Native Founda-  
28 tion, I understand is not specifically a native funded  
29 organization from the land claims settlement. You are  
30 funded through government --



E. R. Notti  
In Chief

1                   A     Our primary source of  
2 funding is the Ford Foundation but they only account  
3 for something less than a third of our funding. Most of  
4 the funding comes from contracts such as the textbook  
5 and other work that we do for state agencies and some  
6 of the regional corporations.

7                   THE COMMISSIONER: Excuse me  
8 Mr. Veale. This seems to be an afternoon when nothing  
9 goes right but Mr. Steeves, I don't <sup>see</sup> him here and his  
10 client wants to build the pipeline.

11                   MR. GOUDGE: I'll go and find  
12 him.

13                   MR. VEALE: Thank you sir.  
14 Well Mr. Notti, would you read your prepared evidence  
15 to the Inquiry?

16                   A     Thank you. Commissioner  
17 Berger, I appreciate the opportunity and privilege to be  
18 permitted to testify at these proceedings. I think it  
19 indicates an openness on the part of the Canadian  
20 Government that I believe is to be admired.

21                   My name is Emil Notti. I am  
22 an American citizen born and raised in Alaska and of  
23 Athabascan Indian descent. I was invited by the Yukon  
24 Council for Indians to relate experiences in Alaska  
25 that are pertinent to pipeline construction, oil develop-  
26 ment and development in general and their impacts upon  
27 native people.

28                   It's my desire to limit my  
29 remarks to the Alaska experiences. My knowledge of  
30 Canada is very limited and in fairness to the Yukon



F. R. Notti  
In Chief

1 Council for Indians, they have not endorsed or limited  
2 my statement in any way. I realize that these are  
3 pipeline hearings and my interest in being here is  
4 because I think it impinges upon the land claims effort  
5 that's being made and I consider the question of aborigin-  
6 al land rights to be one of fundamental importance.

7 It's generally accepted that  
8 land is acquired by conquest in war, by purchase or  
9 by gift of deed and none of these, I understand, has  
10 taken place with respect to much Indian and INuit lands  
11 in Canada. The question then becomes one of legal  
12 property rights of citizens of this great country and  
13 while I recognize that government can expropriate the  
14 property of its citizens I am sure that its not the  
15 intent of the Canadian Government in dealings with the  
16 Indian and Eskimo peoples in the north.

17 Wherever I have travelled on  
18 the North American continent, I have found that aborigin-  
19 al people generally would prefer to be left alone and  
20 not have development near them. The wish to not have  
21 their way of life disrupted is most pronounced in the  
22 villages, but it's not limited to villages. Some people  
23 in the cities don't want rapid changes although cities  
24 are more able to cope with an influx of new people.

25 New people in a city cause  
26 inconveniences such as congested highways and streets and  
27 double shifting in schools. It also brings a rise in  
28 crime. In the cities, the consequences are noticeable  
29 but not overpowering. In the villages, on the other  
30 hand, a rapid influx of people is a shattering experience.





E. R. Notti  
In Chief

1 It doesn't simply modify a lifestyle, it disrupts totally  
2 the economy and the social fabric of small communities.

3 If a pipeline is approved,  
4 for a construction or <sup>of</sup> a right-of-way easement is reserved  
5 before native land claims are resolved, I believe it  
6 would destroy Indian efforts at achieving a land  
7 settlement.

8 Our strategy in Alaska was to  
9 stop transfers of land among federal agencies, stop  
10 all transfers of land from the Federal Government to  
11 any third party including the state, and stop all develop-  
12 ment until our land claims were resolved. We felt that  
13 native land rights was a problem not just for Indian  
14 people, but for everyone and everyone was to be prevented  
15 from land transactions until Congress resolved the issue.

16 No one was given a favored  
17 status or exempted from having land claims affect their  
18 daily life and business. Only when everyone is affected  
19 is there enough interest and pressure to move government  
20 to action. I believe that this was true in Alaska and  
21 it could very well be valid in Canada.

22 If certain business interests  
23 are given an exemption, that relieves a pressure point.  
24 If the Territorial Government is permitted to proceed  
25 with business as usual, it feels no pressure or urgency  
26 to resolve the issue. If individuals are permitted to  
27 to get mining permits or timber permits or homesites,  
28 then they are not affected. It then becomes the other  
29 fellow's problem and the other fellow in this case is  
30 a minority in Territorial and Federal affairs.



E. R. Notti  
In Chief

1 If a minority alone is  
2 seeking a resolution, then I predict there will be an  
3 Indian land problem around for a long time. The  
4 people who will lose the most and have reason to be  
5 bitter for many generations as development comes into  
6 the area will be your Indian people. In the interest  
7 of justice and fairness and a speedy resolution, land  
8 transactions of any and every kind should be halted until  
9 the land claims question is resolved.

10 The construction of the Alaska  
11 pipeline is a dominant factor affecting the economy and  
12 labor force in Alaska.

13 In 1972, the Alaska Legislature  
14 was concerned with high unemployment in Alaska and  
15 the lawmakers concluded that the state "has an obligation  
16 to assure that benefits of this employment accrue to the  
17 residents of Alaska." In order to provide maximum  
18 employment opportunities for Alaska residents, the  
19 Commissioner of Natural Resources was empowered to  
20 incorporate into all oil and gas leases, easements  
21 and right-of-way permits for oil and gas pipeline  
22 projects and joint ventures negotiated after July 7th  
23 1972, provisions requiring the hiring of qualified  
24 Alaska residents.

25 During the second quarter of  
26 1975, there were almost 25,000 workers employed on the  
27 pipeline. While well intended, the law has only been  
28 marginally effective and my guess is only about one-third  
29 of the crews have been Alaskans.

30 THE COMMISSIONER: Is there any



E. R. Notti  
In Chief

1 way of saying -- could I just interrupt you and pursue  
2 this for a moment?

3 A Sure.

4 Q Mr. Notti. What proportion  
5 of the people of Alaska are native people?

6 A It's shifting rapidly  
7 but I would guess now it's probably close to 15 percent.

8 Q 15 percent?

9 A Yes.

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W.R. Notti  
In Chief

1 Q You said that one-third  
2 of the employees on the pipeline are Alaskans.

3 A That's the general  
4 population of Alaska.

5 Q , Yes.

6 A Of that one-third, the  
7 best estimates that I've seen by state labor statistics  
8 and minority groups and others who try to keep track  
9 of these things, it's probably between, well close to  
10 10%.

11 Q What does 10% represent?

12 A 10% of the total work  
13 force.

14 Q Is native?

15 A Is native.

16 Q And 33 1/3% altogether  
17 is Alaskan.

18 A Yes.

19 Q And how many people are  
20 there in Alaska approximately?

21 A Somewhere in the neighbor-  
22 hood of 300,000.

23 Q And 15% native would be  
24 70,000?

25 A Our estimates are about  
26 60,000.

27 THE COMMISSIONER:  
28 Q 60,000. Sorry, go ahead.

29 A When we say "Alaska  
30 crews" it's hard to define because we say a resident  
is someone who's been there a year, although these weren't



E.R. Notti  
In Chief

reinforced the past year, so everybody who worked last year is now a resident, so the statistics become even more obscure when we start trying to count residents and non-residents.

During the peak in 1976 an estimated 21,000 persons will be employed in pipeline activities. This is expected to be the last construction season on the pipeline, although the terminal and the gathering -- the terminal at Valdez and the gathering facilities in the fields in Prudhoe will go on for another couple of years.

All sectors of the economy have been affected. Construction, transportation, communications, and utilities, trade, finance, insurance, and real estate and service industries are all up and the rapid expansion can be attributed to pipeline activities. These all employ workers beyond the 25,000 that are directly employed on the pipeline project. We are expecting another boom from offshore development and continued high employment with the construction of a gas pipeline.

Anchorage, the largest city in Alaska, was at the same time the most and least impacted by oil development, or pipeline construction. Anchorage experienced the largest increase in population and the most development in the support services for the pipeline. A number of major oil companies built large office buildings to house their engineering, accounting and management staffs. In 1975 the City of Anchorage had 30,000 additional automobiles on their



F.R. Notti  
In Chief

1 streets.

2 While Anchorage has the greatest  
3 increase in numbers, it was able to absorb the growth.  
4 The lives of most persons were not greatly affected.  
5 Streets had more traffic on them, stores were more  
6 crowded, restaurants were filled, and supermarkets had  
7 longer checkout lines, crime statistics were up, but  
8 life was still life in the city.

9 The impact on smaller communi-  
10 ties was much more pronounced. The terminal for the  
11 pipeline, Valdez, boomed from 1,200 people to around  
12 6,800 people, and that's a low estimate, 6,800.  
13 Housing was impossible to find except at exorbitant  
14 rates. Sewer, water and electrical capabilities were  
15 severely overloaded or not available. Schools were  
16 overcrowded and hard to staff.

17 Because residency for voting  
18 purposes is only 30 days in Alaska, old residents soon  
19 saw themselves in competition with recent arrivals  
20 for the School Board and City Council seats. The result  
21 was that the whole value system of the community --  
22 that which makes life worthwhile -- was transformed.

23 The village resident feels  
24 the greatest impact of development and generally it is  
25 he who is least able to cope with rapid change. He is  
26 the least educated and skilled, and therefore has an  
27 insurmountable obstacle to employment without special  
28 provisions for his employment and special training  
29 programs. The village way of life is also severely  
30 impacted because the villager does not have the cash





E.R. Notti  
In Chief

1 to compete with the well-equipped non-resident  
2 hunter who has the cash to buy the best rifles, the  
3 scopes and all-terrain vehicles and to charter airplanes  
4 to reach game that once provided subsistence to the  
5 village resident. The end result is that the villager  
6 can no longer make a living from depleted game resources,  
7 and if he is not hired for cash, he will become instead  
8 of a useful productive citizen, <sup>one</sup> dependent upon welfare  
9 unable to cope with the rapid change, and helpless because  
10 he has no economic power and no political power. As a  
11 result, he will rapidly become an insignificant minority  
12 in the sea of change.

13 Now that the decision has been  
14 made to proceed with outer continental shelf oil  
15 development in Alaska, a number of communities are on  
16 the verge of explosive growth and development. Yakutat  
17 is a community of 300 people on the eastern Gulf of  
18 Alaska. It is estimated that in a three-year period  
19 if it is selected as a support base for offshore develop-  
20 ment, Yakutat will grow to 8,000 people. Efforts are  
21 being made to shape the growth through zoning, and to  
22 phase the growth by planning, but nevertheless there  
23 will be tremendous trauma for this community of  
24 mainly Indian people, as they see a whole new culture  
25 and value system supplant theirs, and they become a  
26 small minority in their traditional homes. Their  
27 opportunities in berry-picking areas, clam- beaches,  
28 fishing and hunting areas will be severely curtailed  
29 as industrial activity picks up and the limited resource  
30 is harvested much more intensively.



F.R. Notti  
In Chief

1 While some communities are  
2 resisting development, some few are seeking it. Even  
3 those that are bidding to be designated have not  
4 identified sources of funding to pay for the new sewer  
5 and water systems and electrical generating capacity,  
6 and new schools or teachers, policemen and firemen,  
7 that will be needed to serve the needs of the new  
8 residents.

9 The Governor of Alaska has  
10 estimated 95,000 new people will be involved in  
11 offshore exploration and development, and is trying to  
12 find ways to deal rationally with this rapid short-term  
13 growth. Although the governor filed suit against the  
14 United States Interior Department to delay the sale of  
15 leases on the Outer Continental Shelf, the suit was  
16 dismissed.

17 THE COMMISSIONER: When was it  
18 dismissed?

19 A About six weeks ago.

20 Q When you say that the  
21 United States, that is the Federal Government has decided  
22 to go ahead with offshore exploration and development,  
23 does that apply to the Gulf of Alaska only, or does it  
24 apply to the North Coast and the Beaufort Sea as well?

25 A I don't know of any  
26 plans in the Beaufort Sea. However, it's the beginning  
27 of probably a dozen lease sales. The next one is  
28 expected this fall, probably in October for Kodiak,  
29 Following that will be Pribilof Islands and other  
30 areas possibly up around Kotzebue in the Norton Sound



E.R. Notti  
InChief

1 area, and we expect probably a dozen offshore leases  
2 in the next year or so, two years.

3 Q So that the leasing that  
4 is contemplated now by the U.S. Government is in the  
5 Gulf of Alaska and extending into the Bering Sea and  
6 north into the Bering Strait.

7 A Yes.

8 Q That's as far as the  
9 present planning goes, so far as you know.

10 A Yes, as far as I know.  
11 There has been talk of the Beaufort Sea sale for some  
12 time, however the talk has been on state control  
13 offshore all to the 3-mile limit. I don't know of any  
14 federal intent beyond that.

15 Q O.K.

16 A The Alaskans are concerned  
17 that development will proceed without adequate planning  
18 and whether or not the state or cities can adequately  
19 meet community needs.

20 I'll talk just a little bit  
21 about the Alaska Native Land Claims Structure. The  
22 Alaska Native Claims Settlement Act could be viewed as  
23 a means of transforming native peoples from hunters and  
24 gatherers into entrepreneurs and capitalists in as  
25 short a time as possible.

26 Alaska natives were able to  
27 negotiate fee title to 40 million acres of land.  
28 This is a sharp departure from the reservation system  
29 established in other states and in other settlements.  
30 I think the implications of such a departure are clear.





E.R. Notti  
In Chief

1 Eskimos, Indians and Aleuts must generate income  
2 from their lands to maintain such large holdings in  
3 private ownership and prevent their loss since there  
4 is no reservation status to protect the lands from  
5 state and local taxes. Even if the tax was only 50¢ an  
6 acre, the tax bill would be \$20 million.

7 Two years ago the State of  
8 Alaska -- well, first, there are only two taxing entities  
9 that can<sup>get</sup> at property. First is the city government, and  
10 secondly is the borough government. Most of Alaska does  
11 not have a borough system, so the State of Alaska, in  
12 an attempt to tax I believe anyway, the 40 million  
13 acres, tried to pass a state-wide property tax. <sup>It failed.</sup> That  
14 doesn't mean it won't be brought up again and pass.

15 Q When you say "the state"  
16 do you mean the governor tried to get --

17 A The State Legislature.

18 Q -- the State Legislature  
19 to do it but the Legislature wouldn't go along, is  
20 that it?

21 A It failed for a slim  
22 margin, and I think it's realistic to expect it to  
23 be brought up again because half of the people in the  
24 State Legislature and half of the people in Alaska are  
25 in Anchorage, and the 40<sup>million</sup> acres by and large are  
26 miles away from Anchorage and they would like to tax  
27 that property.

28 The capitalization of the 12  
29 regional corporations and more than 200 village corpora-  
30 tions with \$962½ million is giving the Alaskan native



E.R. Notti  
In Chief

1 the means to enter the business world. But at the same  
2 time it's requiring that they generate income in order  
3 to stay in business and retain their corporate assets.

4 \$462½ million is a direct  
5 appropriation from the Federal Government. \$500 million  
6 is to come from a 2% royalty payment from minerals taken  
7 from the land. A great effort was made to obtain 2%  
8 royalty in perpetuity, because we felt that if the land  
9 produced nothing, then the Indian people would share  
10 nothing. But if mineral wealth, if there was mineral  
11 wealth in the land, the 2% would guarantee our  
12 participation. We were unable to convince Congress  
13 of its merits and got a limited royalty for the 500  
14 million. Our concern was that Indian people by and  
15 large do not participate or benefit when industry moves  
16 into their area.



E.R. Notti  
InChief

1                   Based upon our experience in  
2 Alaska I'll presume to make some recommendations.  
3 I believe that there should be no pipeline until the  
4 land claims question is resolved; and if that's not  
5 possible, then an effort should be made to time the  
6 development and to give it shape as we step into the  
7 future.

8                   When the gas pipeline is  
9 built, stipulations should be required in the  
10 construction permit that will soften or shape the impact.

11                   To prevent the Indian from  
12 becoming a bystander in the north, to prevent the Indian  
13 from becoming a minority that's not represented and has  
14 no voice and has no power, to prevent the Indian from  
15 becoming a welfare case in his own country as wealth  
16 grows up about him.

17                   The following recommendations  
18 are also put forth. The project will be of such a  
19 magnitude in dollars and manpower requirements that  
20 every able-bodied Indian or Inuit who wants to work  
21 should be guaranteed a job, because if development  
22 comes I feel that they should benefit, since the  
23 development is coming to their area and should not  
24 be used for job opportunities for people outside the  
25 area. Adequate training and on-the-job counselling  
26 should be provided to prepare him to sell his skills.  
27 For those Indian individuals who are inclined  
28 to be entrepreneurs, there should be guaranteed  
29 opportunities to provide goods and services under contract  
30 to the pipeline builder.





E.R. Notti  
In Chief

1                               For those Indian individuals  
2 or groups that don't want to make the immediate transi-  
3 tion to a wage economy, there should be severe restric-  
4 tions on where wage-earners or outsiders can hunt so  
5 as not to offset or diminish the opportunity of those  
6 individuals to support themselves and their families  
7 from the fish and game in their area.

8                               As a sovereign nation, Canada  
9 can require these stipulations and require the  
10 construction permits and contractors and pipeline  
11 owners and unions to agree to them if they're going to  
12 participate in building the pipeline.

13                              Thank you.

14                              THE COMMISSIONER: Thank you, Mr.  
15 Notti. Could I just ask you a question? You were sitting  
16 here, I think, earlier when the lawyers were arguing  
17 about what they call the question of prejudice. Would  
18 the native people of the north be prejudiced if a  
19 pipeline were built before their land claims were  
20 settled? Now, in Alaska, if I can put a hypothetical  
21 question to you, well you've made it plain that you took  
22 the stand that you wanted your land claim settled before  
23 the Alyeska Pipeline was built. If land claims had  
24 not been settled before the pipeline construction went  
25 ahead, where do you think you would be now?

26                              A       I believe we would probably  
27 still be down the halls in Congress trying to convince  
28 them that the Indians should get a land claim. The  
29 Secretary of Interior Udall imposed a land freeze and  
30 in his words, he wanted to keep everybody's toes to the



E.R. Notti  
In Chief

1 fire. I think if the land freeze had been lifted and  
2 the pipeline was permitted to proceed we would have not  
3 had the support of the oil industry in solving the  
4 problem. Now, we were always very wary of what the  
5 oil industry might do, so we kind of watched for any  
6 activity in Congress by the lobbyists, and they did  
7 not interfere, as far as we could tell, with the process  
8 except right towards the end they said -- my interpre-  
9 tation of what they said was, "We don't care what the  
10 terms of the settlement are, just solve the problem  
11 so that we could -- they can build a pipeline." So  
12 with the help of their lobbyists I think it helped us  
13 a great deal. They had a lot of influence and were  
14 sophisticated and it helped us a great deal.

15 Q Are you saying that  
16 Secretary Udall's freezing of land was what appears  
17 to have persuaded the oil companies to support the  
18 natives in seeking a land settlement?

19 A Yes, because as long as  
20 a freeze was in effect, they could not get a right-  
21 of-way, and when the time came for them to start  
22 constructing the oil pipeline, I think they went into  
23 action and said, "Solve the problem," at least lobbied  
24 to that end.

25 So we had their lobbying effort  
26 with us, along with conservationists, and labor unions,  
27 and churches and it was a big effort.

28 MR. VEALE: Mr. Notti, I  
29 understand that you have read the statement of  
30 evidence of Ann Forrest. Is that correct?



E.R. Notti  
In Chief  
Cross-Exam by Bayly

1 A Yes, I have.

2 Q Do you have any comments  
3 that you wish to make on that evidence?

4 A Well, it's unique perspec-  
5 tive, there are things in there that I had not considered  
6 prior to reading the paper. I generally agree with  
7 her main theme, which I think is no pipeline until the  
8 problem is solved and settlement comes on the land.

9 MR. VEALE: Cross-examination?

10 MR. GOUDGE: Mr. Bayly?

11  
12 CROSS-EXAMINATION BY MR. BAYLY:

13 Q Mr. Notti, I'd like to  
14 ask you a few questions. It appears from the form  
15 of the Alaskan settlement that it is necessary for  
16 native peoples through the corporate structures that  
17 have been set up to participate in the business part  
18 of Alaskan life, to preserve the monies and lands that  
19 they have derived from the settlement. Would that be  
20 a fair interpretation?

21 A I think that's correct.

22 Q And now I assume that  
23 when the settlement came into being there were still  
24 a significant proportion of Alaskan native peoples who  
25 were living in a subsistence lifestyle.

26 A There still is.

27 Q Yes.

28 A To some degree, most of  
29 the villages still subsist, partially subsist off the  
30 land.





E.R. Notti  
Cross-Exam by Bavly

1 Q And this settlement that  
2 was arrived at introduced a corporate structure, as I  
3 understand, that may have been new to a large number  
4 of the native peoples, a new way of making decisions.

5 A And five years after the  
6 settlement in many of the villages it's still an unknown  
7 animal, so to say, so to speak because there's a lot of  
8 confusion about the corporate structure that exists,  
9 even today.

10 Q Could you comment as  
11 to whether that is an appropriate structure to use now  
12 that you've seen how it does and doesn't work, for native  
13 peoples to have control over the substance of their  
14 settlement?

15 A Well, I think the corporate  
16 structure is all right. There could and there possibly  
17 should be made some modifications to the operations  
18 as far as the land taxation of land goes, because I  
19 don't think it takes much imagination to visualize  
20 that the land is going to start - the land base is  
21 going to be eroded away in a very short time. As a matter  
22 of fact in some villages land is already passing from  
23 native hands to non-native individuals.

24 Q And I take it too that  
25 some of the villages are quite small and perhaps too  
26 small even to support some of the structures that  
27 were envisaged in the land settlement to allow them to  
28 run a lot of their own affairs.

29 A We did a cash flow model  
30 at the foundation. It was our estimate that unless a



E.R. Notti  
Cross-Exam by Bayly

1 village had 600 people it was not viable, it's assuming  
2 no income.

3 Q And how many of the  
4 villages in Alaska are 600 people or more, in a percen-  
5 tage?

6 A Of the 200 villages, I  
7 forget the figure but it's very small. It's probably  
8 less than 10%, so less than 20 villages have 600 people.

9 Q So without selling  
10 something they can't support themselves and the  
11 institutions that either have been set up or have to  
12 be set up.

13 A That's true.

14 Q Does that mean that they  
15 have to sell some of the land in order to do this,  
16 or can they amalgamate with another village?

17 A Well, right now they don't  
18 -- the land is exempt from taxation until 1991, so that  
19 pressure is not here yet but I expect it will be. As  
20 long as the land is not developed, it's not taxable.  
21 If development goes on the land, then the improvements  
22 are taxable and so there's no real pressure right now  
23 for the villages to do anything.

24 Q But between now and 1991  
25 I take it that they'll have to get to that level or  
26 they're going to have a real problem.

27 A That's right.

28 Q Would you say that the  
29 settlement in that way has accelerated the process of  
30 changing lifestyles for native peoples from a subsistence



E.R. Notti  
Cross-Exam by Bayly

1 lifestyle to a more North American-European model?

2 A I would say that's a  
3 secondary pressure. I would guess that the primary  
4 pressure is from influx of population into Alaska.

5 Q So even with the settlement  
6 a great deal of change has occurred and is occurring  
7 because there are 20,000 or perhaps more introduced  
8 to the state because of this major development.

9 A That's true.

10 Q Do you have any opinion  
11 as to whether you could have accommodated yourselves  
12 to these changes if the land settlement had come about  
13 a considerable time prior to the commencement of the  
14 development?

15 A Well, just the passage  
16 of the Act itself and allowing some time would have  
17 been helpful. However, I think that there's a missing  
18 element in the whole thing, and that is I think there  
19 should be a massive training effort put into the  
20 villages so that they can become functional in operating  
21 the corporations, and without that effort I'm afraid  
22 that the economic base will erode before they get  
23 their feet under them.

24 Q All right, assuming that  
25 native peoples say in the Mackenzie Valley did not  
26 want to accommodate themselves to the kind of corporate  
27 structure that has been set up in Alaska, would you  
28 feel that the model of the settlement that has occurred  
29 in Alaska, forces people to accommodate themselves to  
30 these kinds of structures, or to be left behind?





E.R. NOLLI  
Cross-Exam by Bayly

1 A I hesitate to comment  
2 on what might happen in the Mackenzie Valley.

3 Q O.K., well let me put it  
4 this way. Are there people in Alaska, who in your  
5 opinion, are going to be left out of things because  
6 they're not going to be able to in the time frame between  
7 now and 1991 to adapt to the structures that have been  
8 set up under the land claims settlement?

9 A Under the present system  
10 there would be, but even with a massive effort I think a  
11 certain number would be anyway. Yes, some people will  
12 be left, yes.

13 Q All right, and has any  
14 thought been taken to -- how to allow people who would  
15 say want to elect to live the way they have always  
16 lived to participate in the settlement without having  
17 to become active corporate shareholders or officers?

18 A Very little thought has  
19 been given to that.

20 Q Was there, in your  
21 opinion, an Alaskan native middle-class, if we can  
22 call it that, of people who have education on a  
23 western model who were able to step into the positions  
24 that were created by <sup>the</sup> structures set up under the  
25 settlement right away?

26 A Well, yes, there were.  
27 There have been a number of people since -- at least  
28 1940 during the war effort, people who have, went into  
29 the military service and worked on construction jobs  
30 and <sup>some</sup> took advantage of the G.I. Bill and got educations.



E.R. Notti  
Cross-Exam by Bayly

1 So there was a number of people who stepped into  
2 these jobs. However, that rank is very thin. They have  
3 had to rely heavily upon outside consultants and  
4 advisors in many cases.  
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E. R. Notti  
Cross-Exam by Bayly

1 Q I gather then if this  
2 rank as you call it is very thin that the necessity  
3 to use outside consultants for a lot of the positions  
4 will continue for some period of time before native  
5 peoples themselves can fill these positions?

6 A Yes, that's a fair  
7 assessment.

8 Q Yes. Now, in your opinion,  
9 does this settlement that has been arrived at in Alaska  
10 give to native peoples an effective political control  
11 over what is going on in land that they have thought of  
12 traditionally as their own?

13 A It has not.

14 Q Was that the wish of the  
15 Alaskan people going into the negotiations for a  
16 settlement?

17 A Yes. Now, I don't think  
18 that the government agencies have carried out the intent  
19 of Congress and that's evident in the easement question.  
20 That's plain in the corporations right now and the corri-  
21 dor questions and regulations that were just published  
22 and are ending up in Court. It's evident in the effort  
23 to get villages qualified with a village status.

24 All of these questions have  
25 been litigated and almost every time the bureaucracy  
26 has been beat in Court. I think it would be very  
27 embarrassing to them but what it's done is it's siphoned  
28 off a great deal of effort and money and legal talent  
29 to fighting the bureaucracy to get what Congress intended,  
30 and it's taken away energies from looking at investment





F. R. Notti  
Cross-Exam by Bayly

1 fields and getting into business.

2 Q So instead of working  
3 on programs, you've been spending a lot of time your-  
4 selves and with legal counsel trying to interpret the  
5 settlement that you and Congress arrived at?

6 A Yes.

7 Q If you are giving advice  
8 to others who might be seeking a settlement of land  
9 claims, I take it from that that you would advise them  
10 to get it in very clear language so that as  
11 little litigation as possible was necessitated?

12 A Some of the language is  
13 ambiguous. I think some of the language was very clear  
14 and yet it's interpreted very badly by bureaucracies.

15 Q Would you feel in the  
16 Alaskan situation that you were faced with a hostile  
17 bureaucracy who would -- which attempted to interpret  
18 things in a way that you weren't happy with at every  
19 opportunity? Or is that too strong?

20 A No I think that's fair.  
21 Beginning with enrollment and village certification and  
22 easements and transportation corridors and every issue  
23 that's come up, we've had to fight them.

24 Q So it would be an advant-  
25 age to have the bureaucracy happy with the settlement  
26 as well as the politicians?

27 A Well, I think it points  
28 up a problem and that's usually the top people in any  
29 organization or in government agencies. I've never had  
30 any real problem in talking to them. They're well



J. G. Hoffi  
Cross-Exam by Bayly

1 intended and sincere in what they try to do. The problem  
2 always becomes -- comes to front when we start dealing  
3 with the people who implement it.

4 THE COMMISSIONER: The people  
5 who what?

6 A Implement.

7 MR. BAYLY: Now, can you make  
8 any recommendations as to how a settlement such as the  
9 one that you envisage could have given more political  
10 control in Alaska to native peoples?

11 A No. I don't. I don't  
12 know of any modified form that would have been given --  
13 short of sovereignty. There's no way to control what  
14 happens. You're just a member of the state.

15 Q So it's not a question  
16 that you can't answer because you haven't thought of it.  
17 It's just that there's only one answer and that is one  
18 that was unacceptable?

19 A Yes. I don't say there's  
20 only one answer but we haven't found the right  
21 formula.

22 Q Yes. Now, we've heard  
23 slightly in your evidence and more in the evidence of  
24 Ann Forrest about the lobby that was instituted on  
25 behalf of or along with native groups by the oil companies,  
26 and we've heard the comment that this was an effective  
27 aid to the native peoples in bringing the American  
28 Government to the bargaining table. Can you tell me  
29 whether it also affected the substance of the settlement?

30 A Well in one area that's



E. R. NOLLI  
Cross-Exam by Bayly

1 particularly mentioned in the paper, it concerns the  
2 pipeline corridor. Either Section 17 or 19 in the Act  
3 talks of a corridor. Every understood that the corridor  
4 meant the pipeline corridor. It enabled the Secretary  
5 of the Interior to withdraw that corridor, which he did  
6 within ninety days of passage in December of 1971.

7                               Once the corridor was withdrawn,  
8 there was a law suit saying that he did not have the  
9 authority to withdraw as wide a corridor as he did.  
10 Under the 1920 Mineral Leasing Act, the right-of-way  
11 that he had authority to withdraw was only fifty feet.  
12 So, Senator Gravel introduced a bill that did two  
13 things. It allowed him to withdraw a wider corridor  
14 and it bypassed the Courts and prevented a challenge  
15 on the part of the conservationists groups.

16                              That passed I think in 1973,  
17 almost two years or a year and a half after passage of  
18 the Act.

19                              Now I think the important  
20 thing on the corridor is that the land withdrawn by the  
21 corridor was beyond the reach of any village or region  
22 anyway; at least beyond the village' except in one  
23 or two cases and that came in the Ahtna           region and  
24 I'm not sure of the village but I would guess it was  
25 probably Copper Center and Chitna,           and so they  
26 were going into Court to -- because they had a clear  
27 priority on the selection for that land that was in the  
28 corridor. They settled out of Court though and to  
29 their advantage. They're the only corporation that  
30 declared a -- that's declared a dividend from income





E. R. Notti  
Cross-Exam by Bayly

1 and they got that due to preferential contracts and the  
2 selling of the gravel to the pipeline within the region.

3 Q All right.

4 THE COMMISSIONER: The  
5 Ahtna corporation supplies gravel from their  
6 own lands you mean.

7 A Yes.

8 Q -- to the pipeline  
9 construction project?

10 A They not only sell the  
11 gravel, but they have the contract to haul and they  
12 own the equipment that does it.

13 Q When I was in Alaska,  
14 one of the corporations had a contract to provide  
15 security services. At least I think they did. Am I  
16 right in that?

17 A Yes. It's the NANA  
18 Corporation and they have a joint venture with  
19 Wackenhut a security organization and they do provide  
20 security I think north of Fairbanks.

21 Q They -- Wackenhut  
22 presumably would supply the management and the expertise  
23 for that operation would it?

24 A They do. However  
25 NANA supplies some of the foremen and many  
26 of the security people themselves.

27 MR. BAYLY: Mr. Notti, I've  
28 been told that one of the effects of the pipeline  
29 following so close on the heels of the settlement of  
30 the Alaska native claims was that a number of people





E. R. NOTTI

Cross-Exam by Bayly

Cross-Exam by Bell

1 who might have been very useful -- native people who  
2 would have been useful to help implement the settlement  
3 were drawn off to more attractive -- in terms of wages  
4 -- jobs that were available either on the pipeline or  
5 related activities. Would you be able to comment on that?

6 A I'm sure there are rumors  
7 going around but from my observations, I don't believe  
8 that's right. I think the top talent is in the regions  
9 because the regions pay good wages and it's steady work  
10 and that's where most of the action is and so I think  
11 they have the --

12 THE COMMISSIONER: The regional  
13 corporations you mean?

14 A Yes sir.

15 Q Yes.

16 A So I think the regions  
17 have the native talent that they want.

18 MR. BAYLY: All right. Are  
19 you finding that native peoples would rather work then  
20 for their own regional corporations than for the  
21 companies from down south?

22 A That's my impression, yes.

23 MR. BAYLY: Those are all  
24 the questions I have. Thank you very much.

25 MR. GOUDGE: Mr. Bell?

26 CROSS-EXAMINATION BY MR. BELL:

27 Q Mr. Notti, do I understand  
28 from your evidence that in your opinion the outlook  
29 for the traditional economy in Alaska is pretty bleak?

30 A Yes, it is bleak. I think



F. E. NOLLI  
Cross-Exam by Bell

1 the subsistence way of life in time will disappear  
2 under the present situation, because in Alaska we don't  
3 have any special hunting or fishing privileges and the  
4 areas that people can hunt and fish in are open to  
5 everyone and so as the population grows, the means to  
6 make a livelihood off of the land will disappear.

7 So, I think that way of  
8 life is gone, in time will disappear.

9 Q Do you feel that perhaps  
10 some creative measure of protection could have been  
11 built into a settlement?

12 A No doubt about it. I  
13 think it could have been or maybe should have been but  
14 I don't think politically we could have done it. There  
15 was too much opposition to special privileges built  
16 into the Act.

17 Q Yes. Now you mention  
18 elsewhere in your evidence that in Alaska the residency  
19 requirement for eligibility to vote in local elections  
20 is thirty days. Would you favor a longer residency  
21 requirement?

22

23

24

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E.R. Notti  
Cross-Exam by Bell

1 A Yes, I would for  
2 several reasons. I think people moving through the  
3 country who are there just to get a job and go on, need  
4 time to pick up the tempo and well, we always say,  
5 "Life in Alaska is different." However, people moving  
6 in for 30 days generally bring all of their ideas about  
7 what Alaska should be, which means in most cases progress,  
8 whatever that means to each individual, they want more  
9 progress and development, and I think as more people  
10 move in and that mentality comes with them, what we  
11 see is a self-fulfilling expression of that at the  
12 polls, people who talk the status quo don't get  
13 elected. People who can talk of keeping Alaska moving  
14 and move on to greater and bigger things get elected,  
15 and that's because <sup>of</sup> the short residency requirements  
16 for voting.

17 Q Does that apply to the  
18 state elections as well?

19 A That's been litigated in  
20 Court. It used to be 90 days and prior to that it was  
21 even longer, but the Court said 30 days.

22 Q If I were to suggest to  
23 you a 10-year residency requirement, what would your  
24 reaction be to that?

25 A If it could be pulled  
26 off I think it would be great.

27  
28 Q Excuse me just a second.  
29 Mr. Notti, is it safe to assume that the nature of the  
30 settlement in Alaska reflected in part at least the fact





E.R. Notti  
Cross-Exam by Bell  
Cross-Exam by Hollingworth

1 that native people there are in a minority position?

2 A I think that's a fair  
3 assessment. I think some of our greatest support in  
4 our effort for land claims came from senators and  
5 congressmen outside the State of Alaska. Our own  
6 senators and congressmen are too close to the problem,  
7 they get the pressure from the fishermen and the miner  
8 and the homesteader and everybody, so they have to walk  
9 a <sup>very</sup> narrow line of support of the land claims on one hand  
10 and not too generous settlement on the other, and so  
11 some of our major gains were made by support from  
12 senators and congressmen outside of Alaska.

13 MR. BELL: Thank you.

14  
15 CROSS-EXAMINATION BY MR. HOLLINGWORTH:

16 Q Mr. Notti, in response  
17 to a question by Mr. Bayly, you were asked if the  
18 pipeline had drawn off talent which would otherwise have  
19 gone to the regional corporations, and you said, as I  
20 understand your answer, that that hadn't happened because  
21 in your words the regional corporations were paying  
22 good wages and that was where the action was. Is that  
23 correct?

24 A That's right.

25 Q And then Mr. Bayly asked  
26 you if then it was your experience that native people  
27 would sooner work for the corporations -- that is the  
28 regional corporations -- than the southern corporations.  
29 You stated that that was your understanding as well.  
30



E.R. Notti  
CROSS-Exam by Hollingworth

1 A I believe that's my  
2 assessment, right.

3 Q Well, what's the chief  
4 factor attracting these people to the regional  
5 corporations of those ones you've mentioned?

6 A Well, I guess it's the  
7 idea of being your own boss and not working for some-  
8 body else.

9 Q O.K.

10 A At least, you know, in  
11 theory, <sup>you are</sup> at least working for your own company.

12 Q Now a discussion on the  
13 land, I wasn't quite sure what you were saying in your  
14 evidence. You state that there are expenses relating  
15 to land holdings, and it requires the corporations  
16 to generate income in order to maintain ownership. Now  
17 are these expenses the land taxation?

18 A Land taxation will be a  
19 major part of it, I believe.

20 Q In 1991.

21 A Well, I think they have  
22 to -- the pressure is to get a viable organization  
23 before that time because if 1999 or 1991 was here all  
24 of a sudden and you were sitting there with only money  
25 in the bank and no going businesses, you would soon  
26 be using your capital to pay taxes without generating  
27 any income. So the pressure is to get businesses going  
28 now that are viable and so when 1991 comes along you  
29 have a choice then of maintaining the land by paying  
30 taxes, or shedding the land if it's not productive. But



E.R. Notti  
CROSS-Exam by Hollingworth

1 I think the latter is going to happen. I think if  
2 faced with that choice, that the corporations are  
3 going to sell off non-productive land.

4 Q Did I also understand  
5 you to say that if these lands aren't within the  
6 regions or the confines of a city or a borough they  
7 are not at present subject to property tax?

8 A That's right.

9 Q So that this whole fear  
10 of yours is contingent on the state being able to put  
11 through a state property tax.

12 A Well, in two ways.  
13 First I think as Alaska grows that there will be  
14 pressure to institute boroughs in places that there  
15 are no boroughs now, and when that happens the lands  
16 within the boroughs will be taxable, and I think that  
17 an effort -- I don't know of any effort right now,  
18 but it's not inconceivable that the state will try to  
19 institute a state-wide property tax again.

20 Q All right. Would it not  
21 be possible for the regional corporations to demand  
22 the setting up of a borough whose boundaries are the  
23 same as those of the regional corporation?

24 A That's true, but as  
25 people move into the country, the minute they have  
26 the majority they're going to tax as they see fit.

27 Q I see, it's the influx  
28 that concerns you.

29 A Yes.

30 Q And then you said that if





E.R. Notti  
CROSS-Exam by Hollingworth

1 land is developed, it becomes taxable or the improvements  
2 become taxable now.

3 A Yes.

4 Q Who do these taxes  
5 accrue to?

6 A It's subject to, well  
7 then you start paying corporate taxes to the state.

8 Q On your capital improve-  
9 ments?

10 A Or if you were in a  
11 boundary and there was some reason -- regions that had  
12 land within existing boroughs, it becomes taxable to  
13 the borough.

14 Q But if you're dealing  
15 with property outside boroughs, it's the state corporation  
16 tax that comes into it.

17 A Yes.

18 Q I see. A question about  
19 the effect of the oil lobby on the eventual settlement  
20 and I believe you said at one point that the lobbyists  
21 said, "We don't care what your settlement is, just get  
22 it settled." Later on you seem to modify that slightly  
23 and say that it had some bearing on the width of the  
24 pipeline corridor.

25 A No. I didn't mean to  
26 leave that impression. What I meant to say was the  
27 oil companies did lobby to solve the Land Claims Act.  
28 What happened subsequent to that was that the right-of-  
29 way was withdrawn but the Secretary of Interior didn't have  
30 authority to withdraw the necessary width. He had



E.R. Notti  
Cross-Exam by Hollingworth

1 authority to withdraw a 50-foot right-of-way. He was  
2 immediately challenged in Court by, I think some conser-  
3 vation groups and then Senator Gravel introduced a Bill  
4 that permitted him to withdraw a wider corridor and  
5 at the same time forbid -- they just declared that  
6 the secretary met the terms of the environmental  
7 protection agency and therefore was not subject to  
8 litigation.

9  
10 Q So I take it from that  
11 that the oil industry wasn't, for instance, involved  
12 in the negotiations that took place between the natives  
13 and the government.

14 A As far as we know, they  
15 weren't.

16  
17  
18  
19 Q And had no bearing on the  
20 outcome.

21 A That's right.

22 Q Is the Alaska Federation  
23 of Natives a collective of all the natives in Alaska  
24 who might have their own sub-organizations as well?  
25 How is it set up?

26 A Well, right now it's  
27 an organization supported by the regional corporations,  
28 and it's set up mainly to handle the lobbying effort  
29 that still goes on on behalf of the corporations at  
30 Congress.



E. R. Notti  
CROSS-Exam by Hollingworth

1 Originally it was set up with representation from  
2 the villages and from the regions because we had to  
3 have a broad base in order to represent people before  
4 Congress. That's not the case now. Instead of a 25-man  
5 Board they have a 12-man Board, one from every region,  
6 and so it's gone through some changes but it does  
7 represent the political arm of the 12 regional corpora-  
8 tions, statewide.

9 Q But prior to the  
10 settlements and the Act, it was an organization, I  
11 gather, obtaining its support from the villages and  
12 the people who live in them and representing them as  
13 a sole voice.

14 A Yes.

15 Q Are there any restrictions  
16 on the nature of the businesses that native corporations  
17 can carry out?

18 A None. They are governed  
19 by state laws so they're free to do anything that's  
20 legal.

21 Q Like any other corporation.

22 A Yes.

23 Q And at the time they star-  
24 up were their assets the land that was granted under  
25 the terms of the settlement and the cash on hand that  
26 was also granted under the terms of the settlement?

27 A Well, to this date none  
28 of the regional corporations have any land, as far as  
29 I know. The Federal Government wants to survey the  
30 outside boundaries before they transfer title to the





E.R. Notti  
Cross-Exam by Hollingworth

1 land, but I don't think that's going to happen for  
2 a number of years.

3 THE COMMISSIONER: You mean  
4 they don't have the deeds?

5 A They don't have deeds,  
6 yes.

7 Q But it's understood that  
8 they get so much by way of acreage or square miles.

9 A Yes, that's true.

10 Q The maps we see of  
11 Alaska in different colors are the unsurveyed undeeded  
12 lands that the corporations are to receive.

13 A There's two parts to  
14 answer that, I think. First of all, B.L.M., that's  
15 Federal Bureau of Land Management, has not told the  
16 corporations what their entitlement is, so they have  
17 not identified the lands precisely. They have --  
18 they were faced with a deadline of December '75 to  
19 identify their lands. There were only six corporations  
20 that own lands themselves so they over-selected, they  
21 over-identified lands. When B.L.M. tells them what  
22 their entitlement is, then they will have to identify  
23 the lands they want specifically and I won't attempt  
24 to guess when B.L.M. will give them their entitlement.



F. P. NOLLI  
Cross-Exam by Hollingworth

1 O Well, it's  
2 sort of a right of entitlement to certain lands that  
3 still have to be legally surveyed.

4 A Yes.

5 Q The general quantity  
6 and area and location is known.

7 A Right. I think once they  
8 are told -- for instance in Doyon we were told we  
9 were entitled to somewhere between three and five  
10 million acres of land and so we selected the outer limit.  
11 Our own calculations tell us that we will get somewhere  
12 like 4.3 million within the region. Now, the villages  
13 get 8 million on their own; that's within the region  
14 but the corporation itself will have four million.

15 MR. HOLLINGWORTH: O.K. Thank  
16 you. Those are my questions.

17 MR. STEEVES: How late are we --  
18 excuse me. How late are we intending to sit tonight sir?

19 THE COMMISSIONER: What time is  
20 it?

21 MR. STEEVES: It's 4:30.  
22 I'm sorry, it's 25 to five.

23 THE COMMISSIONER: Well, till  
24 five or 5:30, thereabouts.

25 MR. STEEVES: May I tell you --  
26 May I speak to you sir and to Mr. Commissioner. As I  
27 told you in the opening, we intend calling -- Arctic  
28 Gas intends calling a panel which is going to deal with  
29 the pipeline boom phenomena and all its disasters, real  
30 and imagined or alleged and we're going to try and explain



E. R. Notti

Cross-Exam by Hollingworth

1 to you sir how Arctic Gas hopes to avoid some of the  
2 more serious of those effects. THat information on  
3 which that evidence is based is in part based on the  
4 opinions of observers and students of that situation  
5 and of the boom phenomena in Alaska.

6 This witness could assist  
7 me and Arctic Gas a great deal if I had the chance to  
8 go through that case and put it to the witness and  
9 ascertain from him who obviously knows a great deal more  
10 than anyone I've been able to get in touch with -- a  
11 great deal more about that subject. I can't get through  
12 it in an hour. I know what I have to ask. I know what  
13 I have to deal with and at the same time, I appreciate  
14 -- like you I appreciate Mr. Notti coming here and  
15 I'm not going to -- I don't want to impose on Mr. Notti.  
16 No I don't, seriously.

17 But he would very much assist  
18 me if he could come back again so that I would have  
19 sufficient time at a better hour of the day to put the  
20 whole of that case to him. I can say what it's about.  
21 I'm told that there are certain elements in the boom  
22 in Alaska, which the so-called dynamics of that boom, and  
23 they have to do in some part with features of life in  
24 the north which are common to both Alaska and the  
25 Northwest Territories but in other important respects,  
26 they have to do with Alaska as a separate society, a  
27 separate area, in quite a different state of development.

28 That's what I want to talk to  
29 you about.

30 A That's why I hesitate to





E. P. NOTTI  
CROSS-Exam by Hollingworth

1 comment on what might happen in Canada. I just, you  
2 know, can only base my remarks on what I have observed  
3 in Alaska.

4 Q And that's what I'm very  
5 interested in discussing with you but I can't complete  
6 it in an hour. That's my problem.

7 MR. GOUDGE: May I suggest  
8 that we might begin at least and go to say to five  
9 o'clock. Mr. Veale indicated to me earlier that Mr.  
10 Notti would like to make a plane this evening. Perhaps  
11 we could take a break for dinner and try to accomodate  
12 him.

13 MR. STEEVES: I want to discuss  
14 this very important part -- well obviously not  
15 only in Arctic Gas's case but of Arctic Gas's plans,  
16 and I don't want to get involved in what I think is called  
17 in British Columbia the Quesnel Jury Trial Syndrome and  
18 everybody gets very tired.

19 THE COMMISSIONER: No sir,  
20 neither do I.

21 MR. VEALE: Perhaps Mr.  
22 Commissioner we could canvass the possibility of Mr.  
23 Notti returning if there's substantial cross-examination.

24 THE COMMISSIONER: Well Mr.  
25 Notti, you understand what Mr. Steeves is getting at.

26 A Yes sir.

27 Q If we -- and I must say  
28 we sit long days here and even though we're just sitting  
29 around, it is work and what -- if we asked you to come  
30 back again say some time in June or July or August, would





E. E. Notti  
Cross-Exam by Hollingworth

1 | you be able to come back without a great inconvenience  
2 | to you? How do you feel about it?

3 | A As far as I know right now,  
4 | it would be possible for me to come back.

5 | Q Well, that would be very  
6 | good of you. It might be helpful in this sense that  
7 | we're going to hear more evidence and I am not one of  
8 | those who believes that cross-examination is always  
9 | most helpful when it occurs immediately. We found with  
10 | the Environment Protection Board that six months inter-  
11 | vened before they were cross-examined, and we all were  
12 | better able to cross-examine them and better able to  
13 | understand what they were talking about.

14 | Well, in view of Mr. Notti's  
15 | willingness to accomodate Mr. Steeves and the rest of  
16 | us, what do you suggest we do now Mr. Goudge?

17 | I must say I  
18 | wouldn't object violently to adjourning but what's the  
19 | program?

20 | MR. GOUDGE: Perhaps we  
21 | could take five minutes sir and stretch our legs and  
22 | if nobody goes too far, counsel might be able to put  
23 | an agreed course of procedure forward to you sir.

24 | THE COMMISSIONER: If you  
25 | wanted to, we could argue Mr. Veale's motion. You could  
26 | argue it. I could listen but we could do that tonight  
27 | say at 9:00. Suit yourselves.

28 | MR. GOUDGE: If we could take  
29 | five minutes sir, I think we might be able to sort that  
30 | out.



1

THE COMMISSIONER: All right.

2

(WITNESS ASIDE)

3

(PROCEEDINGS ADJOURNED FOR A FEW MINUTES)

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1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

2 THE COMMISSIONER: I'd like to  
3 make a suggestion about Mr. Notti's recall. Since we  
4 are going to hear from a Brotherhood and Metis  
5 Association panel on their notions of a land claim  
6 settlement, and then we're going to hear from Mr.  
7 Bayly's clients about the land claim settlement they've  
8 already put before the Federal Cabinet, I suggest that  
9 it might be worthwhile to hear that evidence and invite  
10 Mr. Notti back for further examination after that. That  
11 might well give us an opportunity of examining the  
12 Brotherhood and Metis proposals and the Nunavut proposal  
13 against the land claim settlement Mr. Notti has outlined  
14 for us. It's just a suggestion but it might be  
15 appropriate.

16 MR. HOLLINGWORTH: I take it  
17 I'm not stopped from further cross-examination of  
18 Mr. Notti, having questioned him today?

19 THE COMMISSIONER: No.  
20 All right so now I understand we'll hear Mr. Veale's  
21 motion?

22 MR. GOUDGE: Yes sir. This is  
23 what we've agreed on.

24 THE COMMISSIONER: And after  
25 that we'll adjourn till tomorrow morning.

26 MR. GOUDGE: Yes sir.

27 THE COMMISSIONER: O.K. And  
28 tomorrow morning we'll hear from Mr. Sharpe?

29 MR. GOUDGE: Mr. Sharpe and  
30 then if possible, Miss Forrest, and I think it will





1 be possible.

2 THE COMMISSIONER: All right,  
3 Mr. Veale.

4 MR. VEALE: Mr. Commissioner,  
5 with respect I hate to raise mundane matters such as  
6 financing. The Council for Yukon Indians is unable to  
7 finance Mr. Notti's return, and I would trust that  
8 arrangements can be made.

9 THE COMMISSIONER: Well, they  
10 will be made and the Inquiry will look after it. I  
11 would like to regard Mr. Notti's evidence as useful  
12 to all of us and certainly to me.

13 All right, I guess that means  
14 that we may have to pay for your appearance at that  
15 time, but we can hack it.

16 MR. VEALE: Mr. Commissioner,  
17 you asked yesterday that I briefly run through part  
18 of the submission that I made to the Inquiry on January  
19 14th relating to community hearings in the Yukon  
20 Territory.

21 THE COMMISSIONER: I don't  
22 think you have to do that. I have reviewed it and  
23 we urged counsel to review it themselves, so if there  
24 is anything in addition that you wish to say perhaps you  
25 might concentrate on that.

26 MR. VEALE: Sir, the first  
27 issue that I would like to raise is that of the actual  
28 communities to be visited and I would say that I neglected  
29 to mention the village of Beaver Creek, which Mr. Smith  
30 and Mr. Lueck stated yesterday, so I would add that to



1 the communities along the Alaska Highway. There is  
2 also the Community of Carcross that has been referred  
3 to in evidence, as well, which is some distance from  
4 Whitehorse and the Alaska Highway, but nevertheless  
5 in the general area. I would also add, considering  
6 the possibility of a lateral from the Mackenzie  
7 Delta, which would tie up with the Fairbanks routing,  
8 I would like to include in the application the  
9 Communities of Dawson City, Mayo, Pelly Crossing,  
10 Carmacks, and Ross River, because I think that if this  
11 Inquiry sees fit to come to the Yukon Territory, it  
12 should be done in a complete fashion, and to simply  
13 limit it to the Alaska Highway would probably be  
14 unfair under the circumstances.

15 Now Mr. Commissioner, in  
16 addition to what I said in January, I would like to  
17 submit at this time that in our view the order-in-coun-  
18 cil clearly states that you are allowed or authorized  
19 pursuant to the order in Territorial centres and in  
20 such other places and at such times as you may decide  
21 from time to time. The question then becomes whether  
22 or not the Fairbanks route and the Mackenzie -- the  
23 Dempster Highway lateral are within the terms of the  
24 order-in-council, and --

25 THE COMMISSIONER: Just pausing  
26 there for a moment, leaving aside this question of  
27 what I can do and what I can't do, why should I  
28 hold hearings in the Yukon on the basis  
29 of a pipeline route over which nobody wants to build  
30 a pipeline, that's what concerns me. Artic Gas wants



1 to build a pipeline along the Northern Yukon, across  
2 the delta, and along the Mackenzie Valley. We've  
3 been to every community except two, maybe, or three,  
4 along that route. Now we have Arctic Gas, a well-  
5 funded organization that wants to build a pipeline.  
6 We have Foothills, well-funded too, and they say,  
7 "We want to build a pipeline."

8 Nobody has come before the  
9 Inquiry -- we've looked at the Fairbanks route along  
10 with the other alternate routes -- but nobody has come  
11 to the Inquiry and said, "All right, I want to build a  
12 pipeline along the Fairbanks route."

13 There's -- suppose I did go  
14 over there and held hearings, that is a large undertaking  
15 because if we were to do it, it would be necessary to  
16 give those people a fair and complete hearing, as the  
17 order-in-council says I must. So why should we go  
18 there again when nobody says, "I want to build a pipeline  
19 along the Fairbanks route"? That's what I'd like you  
20 to consider.

21 MR. VEALE: The only thing  
22 I can draw to the attention of the Inquiry at this  
23 time, and I'm sure it's nothing new, Mr. Commissioner,  
24 is the fact that the Northwest Pipeline Corporation  
25 is a supplier of natural gas to mid-western United  
26 States, has indicated publicly that it is considering  
27 a proposal down that very route, the Fairbanks corridor.  
28 I have also in my possession, I believe other counsel  
29 do as well, and perhaps this Inquiry, I don't know  
30 if this has been filed with the Inquiry, correspondence





1 from Westcoast Transmission Company on behalf of itself  
2 and Foothills and I think Arctic Gas -- or A.G.T.L.,  
3 I'm sorry, Alberta Gas Trunk Line --

4 THE COMMISSIONER: Well, I should  
5 say, you well know this is for the record, that Mr.  
6 Blair, the president of Foothills, sent me a letter  
7 that Westcoast has sent to Northwest Pipeline dated  
8 April 30, 1976 and at my direction Mr. Goudge distributed  
9 copies of this letter on its arrival last night to all  
10 counsel, but I haven't read the letter. If you are  
11 relying on the letter, tell me what it should mean  
12 to me.

13 MR. VEALE: Well, the opening  
14 paragraph in the letter, sir, states that:

15 "Northwest Pipeline and Westcoast Transmission  
16 are in the process of entering into a letter  
17 agreement leading to the transportation of  
18 Prudhoe Bay gas via the Fairbanks corridor."  
19 There are a number of stipulations that Westcoast  
20 Transmission requires prior to entering and entering  
21 the proposed letter agreement and specific stipulations  
22 that they require to be incorporated into the letter  
23 agreement so that it is not, by my reading of it, in  
24 any way a finalized proposal. However --

25 THE COMMISSIONER: Excuse me,  
26 let me just say this. When I say I haven't read it  
27 I really haven't read it, but Mr. Goudge read it and  
28 told me what was in it, which is a lot easier than  
29 reading it.

30 MR. VEALE: Not as reliable,





though.

THE COMMISSIONER: You see, what really troubles me, Mr. Veale, is this. The -- if Westcoast were to apply to the Minister of Indian Affairs & Northern Development for a right-of-way across the Yukon, across a route along a route parallel to the Alaska Highway then the Minister might well consider that he ought to refer the matter to this Inquiry. But surely until he has a segment of the industry, let's call it the Foothills group, until the Foothills group says, "All right, Mr. Minister, we want a right-of-way."

The Minister then, in his judgment, refers it to this Inquiry, which he might do, which he might not do, it's his prerogative. How can I take this Inquiry over to the Yukon, hold a full-scale Inquiry, which is what you're asking me to do, hold hearings in all of these villages, unless the industry is first of all asking the Minister to grant them a right-of-way, across, along that route that parallels the Alaska Highway and until he has determined whether he should refer it to the Inquiry? It seems to me the whole proposal, even though letters are going back and forth, it seems to me the whole proposal isn't ripe, even for the Minister to consider bringing it to the Inquiry, let alone for the Inquiry to take it upon itself to hold an Inquiry in the Yukon. We've been to the Yukon because Arctic Gas wants to build a pipeline across the Northern Yukon. That proposal has been referred to the Inquiry, so the



1 Inquiry's been to Old Crow and I've accompanied them.  
2 We spent some time travelling around the Northern  
3 Yukon looking at the environmental problems. But how  
4 can I take it upon myself to do that in connection with  
5 a proposal that is a gleam in the eye of the Northwest  
6 Pipeline Corporation and Westcoast Transmission?  
7 That's really what concerns me about this. I appreciate  
8 your point of view. I can understand these people in  
9 the Yukon being concerned about what's happening.



1 MR. VEALE: Well, Mr.  
2 Commissioner, I clearly can't move your view on that  
3 but I would -- our feeling is that the Order-in-Council  
4 is such that any routings across the Yukon Territory,  
5 across Crown Lands in the Yukon Territory must be  
6 considered.

7 Now, if your view is that  
8 a proposal has to be made and an application made to  
9 the Minister, that clearly puts an end to the issue.

10 THE COMMISSIONER: Excuse me.  
11 Consider what would happen if I went to the villages  
12 now. Those people would -- let us suppose they had  
13 actually heard of me and of this Inquiry, as no doubt  
14 they have.

15 MR. VEALE: It is highly likely  
16 they have.

17 THE COMMISSIONER: What am I  
18 supposed to ask them? What do you think of a pipeline  
19 if they decide they want to build one coming along the  
20 Alaska Highway or along the Dempster. It seems to  
21 me this Inquiry was established to consider pipeline  
22 proposals of a concrete nature that had been prepared,  
23 brought before the Minister and concurrently before the  
24 Energy Board. You see, Mr. Blair is an able and  
25 distinguished Canadian. So is Mr. Horte -- let that be  
26 understood. These people, Westcoast Transmission,  
27 Northwest Pipeline Corporation are no doubt, important --  
28 these are important institutions in the oil and gas  
29 industry but we cannot, it seems to me -- now, Mr. Blair  
30 as a matter of courtesy, no doubt, sent this along to









1 me and I appreciate it but this proposal is what we  
2 at the university we used to call inchoate and until it  
3 achieves a form and substance that the industry  
4 decides is sufficient to justify its being advanced in  
5 the form of a specific right-of-way proposal, I don't  
6 know that I should take any further notice of it.

7 I know this is difficult  
8 but I'm -- that's what really is troubling me.

9 MR. VEALE: Mr. Commissioner,  
10 I don't think there is any difficulty in taking to  
11 communities the principle that a pipeline may be built  
12 and ask them their comments because whether or not  
13 Arctic Gas and Foothills have filed mounds of material  
14 and stipulated routings and so on, I don't think that  
15 is a necessary prerequisite to an Inquiry among native  
16 people as to their feelings towards the pipeline.

17 THE COMMISSIONER: Excuse me.

18 MR. VEALE: For example --

19 THE COMMISSIONER: Well all  
20 right, you're entitled -- this is your motion. I should  
21 let you say something.

22 MR. VEALE: I would like to  
23 finish -- You stated in Community Hearings that they  
24 are to consider the possibility of an oil pipeline. Well,  
25 there is nothing before this Inquiry relating to oil  
26 pipelines by the applicants and how are communities to  
27 respond to that. Well, they do because it's something  
28 real enough to them and --

29 THE COMMISSIONER: Yes, that's  
30 a good point.



1 MR. VFALE: -- a gas pipeline  
2 is a very similar proposition.

3 THE COMMISSIONER: But at  
4 least we have a route for the oil pipeline because  
5 the corridor concept --

6 MR. VEALE: Sir, there is no  
7 doubt that a specific alignment would be obviously be  
8 a great advantage to yourself prior to conducting the  
9 community hearings, I can see that.

10 THE COMMISSIONER: You see, and  
11 who will be there to speak for the industry? Arctic Gas?

12 MR. STEEVES: No.

13 THE COMMISSIONER: No.  
14 Foothills?

15 MR. HOLLINGWORTH: I'll go.

16 MR. VEALE: Foothills will be  
17 there.

18 THE COMMISSIONER: Foothills  
19 will be there.

20 MR. VEALE: I think that  
21 Foothills has an interest in that particular routing  
22 at this time.

23 THE COMMISSIONER: I would  
24 like to hear from Mr. Hollingworth on this question but  
25 just before we turn to him. You see, at these  
26 Community Hearings we have held, including the one at  
27 Old Crow, representatives of Arctic Gas and Foothills  
28 were there. Now, Foothills didn't have an interest  
29 in the Old Crow proceeding in the sense that Arctic Gas  
30 did but Mr. Workman, Mr. Rowe, and occasionally Mr.  
Carter have explained these things, have answered questions,



1 so that notwithstanding what Mr. Steeves said to Mr.  
2 Jacquot this morning and to us, there has been an  
3 interplay between the villagers and the companies at these  
4 hearings but that, it seems to me isn't something that  
5 we can count on at the hearings in the Yukon unless  
6 well, unless --

7 MR. VEALE: Well, Mr.  
8 Commissioner, perhaps I could enlighten the Inquiry to  
9 this extent. I don't know if Mr. Goudge mentioned it  
10 to you in his submissions on the contents of the letter  
11 from Westcoast Transmission, but it is indicated on the  
12 first page that Westcoast's knowledge of the Alaska  
13 Highway Pipeline Route for the Alaska gas, which it has  
14 studied since 1969, is a founding partner in Mountain  
15 Pacific Pipeline Ltd. I think there is a substantial  
16 body of knowledge that exists at this time in order to  
17 have someone follow the Inquiry in the same fashion that  
18 Arctic Gas has at the Community Hearings.

19 THE COMMISSIONER: All right,  
20 well, Mr. Hollingworth, what do you say about all this  
21 since it's -- it seems to be your group that is stirring  
22 the thing up.

23 MR. HOLLINGWORTH: Well, I  
24 think it's more than a gleam in somebody's eye. I  
25 think it would be fair to say that it's gone beyond that  
26 stage. I am unable to tell you and enlighten you on  
27 anything more than is in that letter and I think that  
28 it's not quite properly cast by Mr. Veale. He said that  
29 Westcoast was in the process of entering into a letter  
30 agreement with Northwest Pipe. The idea would be that





1 Northwest Pipe would run a line from Prudhoe Bay down  
2 the existing alignment of Alyeska, along the Fairbanks  
3 Route and terminate at the Alaska-Yukon border. From  
4 there, the gas would be picked up by Foothills or a  
5 subsidiary or partner of Foothills to be carried through  
6 the Yukon Territory alongside the Alaska Highway. The  
7 line would then split -- some of the gas would go through  
8 the existing Westcoast Transmission and additions to  
9 it, and be exported into the United -- well, it wouldn't  
10 be exported, it would be returned to the United States  
11 at Sumas, Washington and some of the gas would go through  
12 the existing facilities, of the Alberta Gas Trunk Line  
13 and be returned to the United States at Kingsgate, British  
14 Columbia and put into the TransCanada system for  
15 eventual return to the United States at Kingsgate,  
16 Alberta. Beyond that, I'm not able to give you any  
17 details, except that Mr. Phillips in his letter which is  
18 on Westcoast letterhead, but is on behalf of both Alberta  
19 Gas Trunk Line and Westcoast and Foothills, I should say,  
20 has requested that Northwest Pipe if it's interested in  
21 pursuing the matter, draw up terms which would comply  
22 with conditions in their -- long and stringent conditions  
23 mostly relating to Canadian control and ownership.

24 But if Northwest Pipe  
25 would be prepared to do that, then a letter agreement  
26 could be entered into.

27 THE COMMISSIONER: Well, let  
28 me ask you to deal with Mr. Veale's motion. Let us  
29 assume for the moment that it is within my jurisdiction  
30 to do what he wants me to do. I don't want to hear



1 argument about that at this moment. Let us assume that  
2 that is the case. Shouldn't I wait until the Foothills  
3 group has asked -- has put a proposal before the  
4 Minister for a right-of-way, has applied to the Energy  
5 Board for a certificate of public convenience and  
6 necessity and until the Minister has referred the matter  
7 to the Inquiry before I do anything about it. That's --

8 MR. HOLLINGWORTH: Well, I  
9 think if you were to wait that long, sir, your Inquiry  
10 would be probably concluded before that stage was reached.  
11 You have the stage of Northwest now considering these  
12 terms and deciding whether to comply with them. They  
13 would then send a draft agreement which would have to  
14 be satisfactory to the solicitors of all three of  
15 Westcoast, Trunk Line and Foothills. Thereupon, a letter  
16 of agreement would be entered into and after that studies  
17 would be entered into and he says with due diligence,  
18 feasibility studies, final design, regulatory applications  
19 financing and construction.

20 THE COMMISSIONER: Well, are  
21 you on behalf of the Foothills group supporting Mr.  
22 Veale's motion?

23 MR. HOLLINGWORTH: On behalf  
24 of the Foothills group or on behalf of Foothills as  
25 presently structured?

26 THE COMMISSIONER: All right,  
27 on behalf of Foothills.

28 MR. HOLLINGWORTH: I am  
29 arguing this motion, putting this whole letter aside.

30 THE COMMISSIONER: All right.



1 MR. HOLLINGWORTH: I'm  
2 prepared to support Mr. Veale but not for the reasons  
3 that he set out on January 14, 1976. I have previously  
4 said that I -- that Foothills' position is that the  
5 guidelines apply to a route within a corridor, and the  
6 corridor is stipulated in the guidelines.

7 THE COMMISSIONER: Yes.

8 MR. HOLLINGWORTH: Therefore,  
9 I don't think I can support Mr. Veale in saying that  
10 he can go or that you can go far afield in looking into  
11 the conditions as they relate to this pipeline but  
12 I have several points that I find interesting, sir.

13 The first is this. It  
14 seems to me that you are governed solely by the  
15 Order-in-Council. You have said before that your  
16 governed by the guidelines as well. With respect, sir,  
17 you have also said that you go beyond the guidelines.

18 Now, when I look at the  
19 Order-in-Council, the only reference to the guidelines  
20 is one calling upon you to deal with any proposals to  
21 meet these specific, environmental and social concerns  
22 set out in the expanded guidelines for northern  
23 pipelines.

24 So, I came to the  
25 conclusion that only the Order-in-Council governed you.

26 THE COMMISSIONER: All right.

27 MR. HOLLINGWORTH: Now, I'm  
28 not quite certain, the date of the Order-in-Council is  
29 the 21st of March, 1974 which is parenthetically the date  
30 of the Arctic Gas application which was the only one





1 outstanding at that time. If the application had been  
 2 made when the Order-in-Council was issued it had been  
 3 made within the hour. I'm not sure of the actual  
 4 sequence. I suggest, sir, that perhaps the Order-in-Council  
 5 was issued prior to the application having been officially  
 6 filed although it was probably expected.

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1 THE COMMISSIONER: Well I  
2 suppose that's a fair inference but where does that  
3 get us?

4 MR. HOLLINGWORTH: Well, the  
5 thing is this sir, it seems to me that the references are  
6 and there are two of them -- in the Order-in-Council  
7 to a Mackenzie Valley pipeline but the concept that  
8 was being dealt with was the shipment of gas from  
9 Prudhoe Bay Alaska and the Mackenzie Delta through the  
10 Territories to the south.

11 Now you could just as easily  
12 call this the Prudhoe 49th pipeline or the Prudhoe  
13 Mackenzie 49th pipeline -- any number of names so that  
14 what you could do is substitute those words "Mackenzie  
15 Valley pipeline" and include in those any pipeline that  
16 follows the same concept.

17 Now, the difference as you have  
18 quite rightly pointed out is that there is a concrete  
19 proposal for a line down the Mackenzie Valley. There is  
20 not at the moment a concrete proposal for a line down  
21 the Fairbanks corridor, but <sup>that</sup> I suggest is the only  
22 distinction and that distinction itself might be blurred  
23 if, in fact, the Order-in-Council preceded the official  
24 application of Arctic Gas and as I say I don't know if  
25 that's the case or not.

26 THE COMMISSIONER: Well, it  
27 recites proposals.

28 MR. HOLLINGWORTH: It recites  
29 a proposal, yes. Proposals, you're quite right. I'm  
30 sorry. Now there are a couple of other points that are



1 of interest here. The first -- I think it's fair to  
2 say as I said before that the letter from Westcoast  
3 Transmission to Northwest indicates more than a gleam  
4 in the eye. It's a serious proposal that's being  
5 seriously considered, and it's much more than the  
6 various routes I suggest that Arctic Gas thought about.

7 I would say that it's being  
8 considered more seriously than say the offshore route  
9 was ever considered. Although the offshore route is  
10 certainly one we did consider.

11 THE COMMISSIONER: Well no  
12 doubt. You don't have to -- I mean, it is obvious that  
13 the alternate route for the transportation of Prudhoe  
14 Bay Gas -- the alternate route between the Mackenzie  
15 Valley route is the Fairbanks route.

16 MR. HOLLINGWORTH: Yes.

17 THE COMMISSIONER: No other  
18 route has been advanced in a serious way.

19 MR. HOLLINGWORTH: I think the  
20 final reports of the Department of the Interior and  
21 the Federal Power Commission staff would bear that out,  
22 but there is considerable and lively interest in the  
23 Fairbanks corridor both in Washington and I'm told in  
24 Ottawa. But that does not take away from the fact that  
25 there is in fact no concrete proposal from you at this  
26 time and certainly that the argument is deficient in that  
27 respect.

28 Another point though that seems  
29 to me ought to be taken into consideration is this,  
30 and that's one of logistics. You have heard various



1 plans for the movement of material to the Mackenzie  
 2 Valley pipeline as now proposed by both Arctic Gas  
 3 and Foothills. I believe that I spoke to you in private  
 4 conversation as I did to Mr. Veale at one point and  
 5 said that at one time it was<sup>a</sup> thought -- a serious thought  
 6 of Foothills, that some material should be shipped by  
 7 rail to Fort Nelson, shipped by truck up the Alaska  
 8 highway to Whitehorse, Dawson and up the Dempster  
 9 highway to the northern end of the pipeline.

10 Now, this idea has since been  
 11 rejected by the Foothills engineering staff. That  
 12 isn't to say that it isn't going to come forward again,  
 13 and I can tell you that it was treated with a certain  
 14 amount of seriousness. It wasn't just a back of the  
 15 envelope type of deal. Actual figures were worked out  
 16 and cost per ton mile were worked out before it was  
 17 decided for various reasons to reject it, at least for  
 18 the time being.

19 I think sir that that's a  
 20 reason to consider going to at least some of the  
 21 communities that Mr. Veale has mentioned, and it's a  
 22 reason that relates to this project, not to one that  
 23 is proposed and nothing more.

24 As far as dealing with  
 25 situations on speculation I'm told by Commission  
 26 counsel that you chose to go to Sachs Harbor and Paulatuk  
 27 because when Mr. Blair was here in August he threw out  
 28 an idea that possibly gas could be moved from the Arctic  
 29 islands to Tuktoyaktuk in L & G tankers and then put  
 30 into a pipeline that had been built down the Mackenzie





1 Valley. Now, this was the reason that was advanced to  
2 me as to why you were going to these communities and if  
3 that's the reason you went there sir, then I don't think  
4 that it's stretching anything to go to the communities  
5 along the Fairbanks route.

6 Now, as I say, this is my  
7 information and possibly it's wrong. I don't think  
8 I can add much more than that sir except to reiterate  
9 that you've stated that <sup>the</sup> Inquiry is taken beyond the  
10 guidelines and so I submit that they do not need to  
11 govern your considerations in this and I was mindful  
12 of your statement in your preliminary rulings number one  
13 saying that you take no narrow view of your terms of  
14 reference.

15 No other submissions.

16 MR. BAYLY: Mr. Commissioner  
17 I have several reasons for supporting the motion made  
18 by Mr. Veale that haven't been stated either by him or  
19 Mr. Hollingworth.

20 The first is sir that you are  
21 to look at the impacts of the construction of a pipeline  
22 down the Mackenzie Valley and in the applications that  
23 have been put before you. Now, sir, you've heard  
24 evidence from environmentalists and native peoples about  
25 the effects of building a pipeline through the northern  
26 Yukon and depending on which view you take, some people  
27 say that the interior should be avoided and some people  
28 say that the coast route should be avoided if indeed  
29 Alaskan gas is to be brought across the northern Yukon.

30 Now, if we are to assume sir



1 that for the sake of argument one of the recommendations  
2 put forward to you by native and environmental groups is  
3 that no pipeline should cross the northern Yukon, that is,  
4 neither the coastal nor the interior route should be  
5 used.

6 Then we're faced with the  
7 possibility becoming far more real of Canadian gas  
8 being taken up-river through the Mackenzie route which  
9 has been proposed by Foothills and Alaskan Gas going  
10 out by what you've acknowledged as perhaps the only  
11 other reasonable route, which is the one that for a  
12 certain portion of its extent parallels the Alaska  
13 highway; the Fairbanks corridor.

14 We now see through Mr. Holling-  
15 worth that this Fairbanks route is being considered as  
16 more of a reality, although you don't have an actual  
17 application before you. We also have the fact that the  
18 people in these communities feel that the possibility  
19 is very real and they have requested that you go there.

20 Now, Halifax and Montreal and  
21 Winnipeg have also --

22 THE COMMISSIONER: And the  
23 Council of Yukon Indians has asked me to --

24 MR. BAYLY: Yes, as I understand  
25 that they're in touch with the people in the communities  
26 who would like you to go there and that's how they  
27 happened to make this suggestion. It isn't just for  
28 council executive and I may be wrong on that but that  
29 was my understanding of the way Mr. Veale put it when  
30 he earlier brought up that motion.



1 Now, you sir have decided  
2 that it's important to go to certain communities in the  
3 south who will be affected by whatever routing is chosen.  
4 They will have opinions presumably ranging from those  
5 people who support the transportation as <sup>soon as</sup> possible of  
6 frontier gas to those people who oppose for various  
7 reasons using this gas either now or ever.

8 These people will not be  
9 affected directly by the routing of a pipeline to the  
10 extent that people certainly in the Mackenzie Valley and  
11 probably along the Fairbanks corridor may be affected.

12 THE COMMISSIONER: I think the  
13 analogy is false. They wish to be heard. They're not  
14 in the same category as any one along the Mackenzie  
15 Valley route. There are Canadians who have made it  
16 abundantly plain they wish to express their views about  
17 this whole matter and they have an interest in being  
18 heard but it is a quite different interest than the  
19 interest that the people in the villages in the Yukon  
20 would have on being heard if Foothills had applied to  
21 the Minister for a right-of-way and he had referred that  
22 matter to me in the same way that he referred the applica-  
23 tion made by Arctic Gas for a right-of-way along the  
24 Mackenzie Valley. That's the problem.

25 MR. BAYLY: Yes and I understand  
26 sir that that makes a great deal of sense to us but  
27 the question may arise does it make any sense to the  
28 people along the Alaska highway, who state according to  
29 what we've heard that they weren't consulted when the  
30 highway went through, and because there was no application





1 in their area. Here, they see the possibility of a  
2 pipeline going through. There's no application so  
3 we sit here and say it's no logical to go there but  
4 they've seen it before. They've seen things happen  
5 this way and so their fears may be very real.

6 Now, I don't want to go into  
7 the reasons for the individual communities because I  
8 don't know them, why you should there. There may  
9 be the argument brought up by others speaking to this  
10 motion that you have already heard all the possible  
11 concerns the people may have. I would submit sir that  
12 although that may be true the opportunity to be heard  
13 is one that we have seen in the various communities as  
14 very important to people and it isn't just the opportunity  
15 to be heard through an organization like the Chamber  
16 of Commerce or a native organization, but it's the  
17 opportunity to get up and express their own fears,  
18 desires and hopes.

19 I therefore feel sir that  
20 because this is becoming more of a reality and these  
21 people have requested it, it should be given very  
22 serious consideration.

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1 MR. GOUDGE: Mr. Bell?

2 MR. BELL: I would just like to  
3 speak briefly in support of the motion, Mr. Commissioner.  
4 The organizations that I represent have made it clear  
5 at hearings in the past that they certainly wouldn't  
6 wish a pipeline on the people of the Yukon, and we still  
7 hold to that view.

8 I think, sir, our evidence  
9 has shown, it's been one of the themes of our evidence  
10 that native people when it comes to large development  
11 projects, are never involved until it's really too  
12 late, that these projects are planned in secret and  
13 announced after it's really too late to make any  
14 fundamental change. As I said, we've called evidence  
15 on that point.

16 I think here, sir, we have  
17 a chance to break that pattern. As Mr. Hollingworth  
18 said, it assures us at any rate that the proposal  
19 is not fanciful, it's a serious proposal, it's a  
20 distinct possibility, and I think that it's incumbent  
21 on us now to afford these people a chance to get involved  
22 in the decision-making process at an early enough  
23 stage. That's the basic reason I think that community  
24 hearings in these places, the ones that Mr. Veale  
25 mentioned, should be held.

26 MR. STEEVES: Last, and for  
27 a change least, I better make Arctic Gas' position very  
28 clear. First of all, as to communications of this  
29 kind, Arctic Gas will never trifle with you by hand-  
30 delivering copies of correspondence between it and



1 other persons in the industry for some purpose which  
2 is not clear to me. More important, Arctic Gas is not  
3 applying for a route down the Fairbanks corridor and  
4 has no such plans and never will make an application  
5 for such a route.

6 The concern that you've  
7 expressed is exactly the position of Arctic Gas on  
8 this question. If you were to embark on a series of  
9 community hearings in the Yukon, I respectfully submit  
10 that such a decision would be without your jurisdiction  
11 and against the law. Thank you for hearing me.

12 MR. HOLLINGWORTH: Well, sir,  
13 may I just interject for a moment, as Mr. Steeves has  
14 made two points and the first point is directed  
15 obviously at my client.

16 As far as I'm concerned, sir,  
17 Mr. Blair has as a courtesy forwarded a letter to you  
18 that indicates keen interest in a route which, if it  
19 proceeded, would alter dramatically the terms and  
20 conditions that this Inquiry is supposed to be con-  
21 sidering. I don't think it's a trifling matter at  
22 all for a letter to be delivered to you.

23 MR. STEEVES: I didn't say  
24 a trifling matter, I said it was trifling with this  
25 Inquiry.

26 THE COMMISSIONER : Well, let's  
27 not pursue that. I regard it sent in good faith  
28 and it was as a matter of courtesy to the Inquiry, so  
29 let's leave it at that.

30 Mr. Goudge?



1 MR. GOUDGE: Two short points,  
2 sir. First of all, my position is that the application  
3 that Mr. Veale makes to you, if granted, would clearly  
4 be within your jurisdiction. I don't want to dwell on  
5 that, you've said you don't wish to hear further  
6 argument on that point. Let me simply say, though, that  
7 you are bound, as we've heard from you a number of  
8 times, by the order-in-council and by the guidelines  
9 tabled in the House of Commons. The guidelines  
10 provide, among other matters, that an examination of  
11 all alternative routes to the proposals you have  
12 before you, to the two proposals you have before you  
13 is of concern because, as I interpret the guidelines,  
14 there is an interest expressed in the guidelines to  
15 minimize social and environmental disturbance caused  
16 by any northern pipeline.

17 So suffice it to say that I  
18 read both the order-in-council and the guidelines  
19 as giving you ample jurisdiction to embark upon the  
20 kind of detailed examination that I think is entailed  
21 in Mr. Veale's suggestion.

22 I may say sir, that I read the  
23 CAGSL application, particularly Section 14-E, as  
24 concurring with that point of view that section of  
25 the application, you will recall, addressed itself to  
26 alternative routes, including among other matters the  
27 Fairbanks route; and as again you will recall, we  
28 attended in Whitehorse and did hear a good deal of  
29 evidence in general form there in the week or two  
30 that we were there concerning alternative routes,





1 among them, the Fairbanks route. The real issue  
 2 seems to me, sir, whether or not the kind of detailed  
 3 examination that is implicit in Mr. Veale's suggestion  
 4 is appropriate, given the present stage of events.  
 5 All this is cast against the background of a changing  
 6 world, and my suggestion to you, sir, respectfully is  
 7 that at this stage, at this point in time, it is not  
 8 appropriate for you to consider embarking upon the  
 9 kinds of detailed examination that Mr. Veale suggests.

10 Community hearings that the  
 11 Inquiry has held so far are obviously a fundamental  
 12 part of the detailed examination of the two proposals  
 13 that have been specifically referred to<sup>you</sup> by the Minister.  
 14 The other part of that detailed examination  
 15 obviously has taken place in a lengthy and detailed  
 16 formal hearing process that is going on before you.

17 Both those kinds of detailed  
 18 examination have obviously been necessary to discharge  
 19 the Inquiry's mandate concerning these two specific  
 20 applications. Both kinds of detailed examination have  
 21 been as well possible because there existed the  
 22 specific applications, the specific proposals that have  
 23 been put forward by the two pipeline companies.

24 It seems to me, respectfully,  
 25 sir, that a similar detailed examination of the  
 26 Fairbanks route is neither appropriate nor possible  
 27 at this stage of events. First of all, it's not  
 28 appropriate because any line along the Fairbanks route  
 29 is, it doesn't seem to me, respectfully, sir, that it's  
 30 appropriate because the building of a line along that



1 route has not become sufficiently likely or imminent  
 2 to warrant that kind of detailed examination. Neither  
 3 the kind of detailed examination that would be engaged  
 4 in through the community hearing process, nor respectfully  
 5 the kind of detailed examination that would be engaged in  
 6 in any kind of formal hearing process that might be  
 7 turned to in connection with the Fairbanks route.

8 So it's not appropriate at  
 9 this stage because there's no proposal. Equally it's  
 10 not really possible, I think, because there's no  
 11 proposal. One of the key background factors against  
 12 which both the community hearing form of detailed  
 13 examination and the formal hearing form of detailed  
 14 examination has gone on in connection with the two  
 15 proposals that do exist, is the very specific body of  
 16 fact against which opinion can be tested and against  
 17 which scientific expertise can be tested. It would, I  
 18 think, not be possible to conduct a detailed community  
 19 hearing type examination with any fruitfulness unless  
 20 one knew things like route, construction timetable,  
 21 ownership, any of the kinds of concerns that have been  
 22 discussed at the community hearings and at the formal  
 23 hearings.

24 So I say, sir, that it would  
 25 not be appropriate to embark upon the detailed form  
 26 of examination entailed by community hearings, nor would  
 27 it of course be appropriate to embark upon the detail  
 28 of a formal hearing process into a Fairbanks corridor  
 29 route at this stage because there is no application  
 30 we can in effect get our teeth into, and for those



1 reasons I must oppose Mr. Veale's application.

2 M R. VEALE: Mr. Commissioner,  
3 just to conclude shortly, I don't share Mr. Goudge's  
4 concerns relating to the <sup>lack of</sup> detail that he feels exists  
5 because I think that if a study is taking place since  
6 1969 that that detail exists and would be available  
7 for / <sup>community</sup> hearings without any difficulty whatsoever.

8 The Council for Yukon Indians  
9 is greatly concerned about the fundamental issue that  
10 a pipeline is going to reach the border of the Yukon  
11 Territory with the State of Alaska. We do not know  
12 where that point is going to be, and that is of great  
13 concern to us, because if this Inquiry is concluded  
14 and there has been no examination or Inquiry into the  
15 views of the community hearings, or the communities,  
16 in the Southern Yukon Territory, and eventually a  
17 pipeline is built there, I think that would be a very  
18 unfortunate circumstance for this Inquiry to contemplate  
19 after its report is submitted.

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1 MR. HOLLINGWORTH: Sir, may  
2 I make just one point in response to Mr. Goudge. He  
3 feels that details of route, construction schedule, and  
4 ownership are all needed to have an adequate discussion  
5 in the communities.

6 I say to him, sir, that  
7 with respect to Arctic Gas, both the route and the  
8 <sup>of</sup> schedule/construction have been altered several times  
9 during the term of your hearing and as far as the  
10 ownership is concerned, nobody has ever known, nor do  
11 they know now what the ownership of Arctic Gas is going  
12 to be, if it ever reaches fruition.

13 So I think that those are  
14 all .

15 THE COMMISSIONER: The majority  
16 Canadian.

17 MR. HOLLINGWORTH: Well, that's  
18 the hope. We happen to think that it's impossible.

19 THE COMMISSIONER: Anyone else  
20 want to say anything?

21 Well, there are two  
22 arguments that have been put forward that I can dispose  
23 of at once. One is that in some way visiting these  
24 villages would be analogous to the visits we paid to  
25 the Eskimo villages on the perimeter of the Beaufort  
26 Sea. I made it clear at Inuvik when we opened our  
27 hearings in the delta in January that there were clearcut  
28 pipeline proposals to bring gas from the delta, that the  
29 industry had made it plain that there would be enhanced  
30 oil and gas exploration and development in the delta and



1 into the Beaufort Sea if the pipeline were built and  
2 the energy corridor established. Clearly those villages  
3 were within the region of impact that one could expect.  
4 We heard evidence that the people from Coppermine and  
5 even farther away were being flown into the delta to  
6 work on the oil rigs and the evidence we heard relating  
7 to the environmental risks that might be encountered  
8 in the Beaufort Sea were tangible enough to require  
9 that they be examined. I don't think that analogy is  
10 sound.

11 The other point Mr.  
12 Hollingworth made was that there might be supplies and  
13 equipment and material brought in over the Alaska  
14 Highway and then across the Dempster to the delta.  
15 That would mean enhanced traffic on the Alaska  
16 Highway but I don't think that additional traffic by  
17 itself justifies holding Community Hearings along the  
18 route of that additional traffic. So that leaves us  
19 with essentially this proposition as I understand it that  
20 Foothills is seriously investigating and so is an  
21 American corporation, the Northwest Pipeline Corporation,  
22 the proposition that the Prudhoe Bay gas should be  
23 brought out along the Fairbanks Route, along the Alaska  
24 utility corridor to Fairbanks and then along the  
25 route of the Alaska Highway through the Yukon.

26 Foothills, at the same  
27 time, would take the Canadian gas out along the  
28 Mackenzie Valley. But at this stage and it seems to  
29 me as I said a moment ago, it is certainly something --  
30 Foothills' willingness to keep us abreast of the



1 progress of this proposal is something that the Inquiry  
2 appreciates.

3 The question is, is it  
4 justifiable assuming it to be within our terms of  
5 reference to hold these hearings there.

6 Well, I think that it's  
7 getting late and we're all a little ratty so I think that  
8 I'll reserve on this and think about it and if I don't  
9 let you know tomorrow, Mr. Veale, I may not let you  
10 know for a while.

11 In the meantime, I would  
12 urge that, if you, Mr. Veale and the Yukon Council of  
13 Indians receive any further information that casts  
14 light on what is going on, you should send it to the  
15 Inquiry and if you Mr. Hollingworth and the Foothills  
16 group are in a position to let us have any further  
17 information as the discussions develop, perhaps you would  
18 let us have that too. At the moment I'm inclined as I  
19 say, simply to reserve on the matter and await  
20 developments. I'm reserving it to myself in the light  
21 of what you have said, if I consider it appropriate to  
22 take the matter up with the Minister.

23 All right, we'll adjourn  
24 then until 9:30.

MR. GOUDGE: 9:00. Could  
we meet at 9:00 tomorrow morning sir?

25 THE COMMISSIONER: All right.  
26 9:00.

27 (PROCEEDINGS ADJOURNED UNTIL MAY 7, 1976)

28

347

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Vol. 152

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May 6, 1976

DATE DUE

BORROWER'S NAME

347

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Vol. 152







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Government  
Publications

# MACKENZIE VALLEY PIPELINE INQUIRY

IN THE MATTER OF APPLICATIONS BY EACH OF  
(a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A  
RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS  
CROWN LANDS WITHIN THE YUKON TERRITORY AND  
THE NORTHWEST TERRITORIES, and  
(b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY  
THAT MIGHT BE GRANTED ACROSS CROWN LANDS  
WITHIN THE NORTHWEST TERRITORIES  
FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND  
ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION,  
OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE  
PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

Yellowknife, N.W.T.

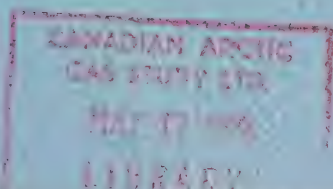
May 7, 1976.

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PROCEEDINGS AT INQUIRY

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Volume 153





APPEARANCES:

Mr. Ian G. Scott, Q.C.,  
Mr. Stephen T. Goudge,  
Mr. Alick Ryder and  
Mr. Ian Roland for Mackenzie Valley Pipeline Inquiry;

Mr. Pierre Genest, Q.C.,  
Mr. Jack Marshall,  
Mr. Darryl Carter and  
Mr. J.T. Steeves for Canadian Arctic Gas Pipeline Limited.

Mr. Reginald Gibbs, Q.C.,  
Mr. Alan Hollingworth and  
Mr. John W. Lutes for Foothills Pipe Lines Ltd.;

Mr. Russell Anthony,  
Prof. Alastair Lucas and  
Mr. Garth Evans for Canadian Arctic Resources Committee;

Mr. Glen W. Bell and  
Mr. Gerry Sutton for Northwest Territories Indian Brotherhood, and Metis Association of the Northwest Territories;

Mr. John Bayly and  
Miss Leslie Lane for Inuit Tapirisat of Canada, and The Committee for Original Peoples Entitlement;

Mr. Ron Veale and  
Mr. Allen Lueck for The Council for the Yukon Indians;

Mr. Carson Templeton for Environment Protection Board;

Mr. David H. Searle, Q.C. for Northwest Territories Chamber of Commerce

Mr. Murray Sigler for The Association of Municipalities;

Mr. John Ballem, Q.C. for Producer Companies;

Mrs. Joanne MacQuarrie, for Mental Health Association of the Northwest Territories.





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I N D E X

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GAS STUDY LTD.

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R.R. Sharp  
In Chief

Yellowknife, N.W.T.

May 7, 1976.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COMMISSIONER: All right,  
Mr. Veale.

MR. VEALE: Sir, this is the  
last witness to be presented for the time being by the  
Council for Yukon Indians. The evidence and qualifica-  
tions of Mr. Sharp have been filed with the Inquiry.  
At this time I would like to highlight some of the  
resume of Mr. Sharp.

I would point out, Mr. Commis-  
sioner, that the resume Mr. Sharp provided was one that  
I had undertaken to sift through and provide the  
highlights of in the actual evidence, and any embarrass-  
ment that may have been caused to Mr. Sharp is certainly  
my fault.

(QUALIFICATIONS & EVIDENCE OF R. SHARP MARKED  
EXHIBIT 625)

ROBERT R. SHARP, resumed:  
DIRECT EXAMINATION BY MR. VEALE:

Q Mr. Sharp, I understand  
that you obtained a Bachelor of Education in physical  
sciences in 1967 from the University of Alberta.

A Yes.

Q And that in 1973 you  
obtained a Master of Arts in community and regional  
planning at the Faculty of Graduate Studies at the  
University of British Columbia.



R.R. Sharp  
In Chief

1 A Yes.

2 Q I also understand that  
3 you were employed from 1968 through 1971 as the  
4 principal at the Ross River School at Ross River in  
5 the Yukon Territory.

6 A Yes.

7 Q I also understand that  
8 from 1973 to the present time you have been the  
9 principal of Chief Zzeh Gittlit School in Old Crow  
10 in the Yukon Territory.

11 A Yes.

12 Q I also understand that  
13 you were the senior field researcher in the study  
14 conducted on Old Crow by Dr. J.K. Stager.

15 A Yes.

16 Q Would you proceed to  
17 read your evidence, Mr. Sharp?

18 A Yes, thank you.

19 This paper provides a case  
20 study which may prove to be relevant to the analysis  
21 of the social, economic and political effects a pipeline  
22 would have upon small Indian communities. In all major  
23 fields of analysis considered by the Commission to date,  
24 there have been references to parallel situations.  
25 These have been cited to anticipate the results of prop-  
26 osed actions. I believe that an examination of the  
27 effects Anvil Mine has had upon the Indian residents  
28 of Ross River would indicate a number of similar conse-  
29 quences that could be expected with the construction of  
30 a pipeline.



R.R. Sharp  
In Chief

1                                Ross River was an isolated  
2       settlement prior to the development of Anvil Mine.  
3       A large labor force was imported for the construction and  
4       operation of the mine. A rush in mineral exploration  
5       accompanied the development. An extensive transportation  
6       and communications system was built by the Federal  
7       Government in support of the mine as part of their  
8       commitment to northern development. Both the mining  
9       company and the Federal Government expressed concern  
10      that native people should benefit from the development.  
11      With this in mind, the Federal Government and Anvil  
12      Mine signed an agreement stipulating that a percentage  
13      of native people would be employed.

14                              In these respects, the events  
15      which occurred at Ross River appear to parallel those  
16      anticipated or stipulated with the pipeline development.  
17      They were:

- 18      1.    a large imported labor force;
- 19      2.    a boom in adjacent developments and exploration  
20      activities;
- 21      3.    an expansion of the transportation and communication  
22      infrastructure to incorporate the present development  
23      and future potential growth;
- 24      4.    and a commitment that native people will share  
25      in the benefits of the developments.

26                              This paper will consider the  
27      consequences of each of the actions outlined above as  
28      well as examine the overall effects Anvil Mine has had  
29      upon the Indian people of Ross River.

30                              I'd like to sort of fill in





R.R. Sharp  
In Chief

1 something of the historical background so that it  
2 can be set against -- the points I'm describing can  
3 be set against an appropriate setting.

4 Indian people of Ross  
5 River and the Upper Pelly region shifted from a hunting  
6 and gathering economy to a fur trading economy about  
7 120 years ago. This shift brought about substantial  
8 changes in the pattern of subsistence and social  
9 organization. Fur trapping demanded increased mobility.  
10 This generally led to the use of dogs which in turn  
11 demanded more intensive hunting and gathering practices.  
12 Areas would be exhausted between three to five years  
13 and the groups using the area would generally move to  
14 a more plentiful locale. Posts were visited intermitt-  
15 ently to trade furs for hardware and food goods. Food  
16 supplies were then purchased to supplement traditional  
17 food sources, not to replace them.

18 Fur trading required  
19 considerably more hardware and more major moves. These  
20 conditions led to frequent caching or discarding of  
21 hardware because of the problems involved in their  
22 transportation. Hence people retained skills in tool  
23 making and appear to have placed a lesser value on  
24 accumulation of material objects than is the present  
25 case.

26 The Ross River Post was built  
27 in 1900 at the junction of the Ross and the Pelly  
28 Rivers. If you look at the map, I have asked counsel  
29 to pass it out, it will sort of set it in a framework  
30 in the southern central Yukon. Have you got those now?





R.R.Sharp  
In Chief

1 This is map No. 1. This was the only post of many in the region to  
2 survive the decline of the fur trade during the late  
3 1940s. Many people built cabins in the vicinity of  
4 the post. Lack of firewood and a scarcity of game in  
5 the area meant that people could stay only as long  
6 as their food and their fuel supplies permitted.



R. R. Sharp  
In Chief

1                               In 1943, 1944, the Canol road  
2 was built to service an oil pipeline -- the Canol oil  
3 line -- which was to transport oil from Norman Wells,  
4 N.W.T. to Whitehorse. The road passed directly through  
5 the settlement of Ross River and if you turn to the  
6 picture or the map -- sorry -- of Ross River, this shows  
7 the location of the Canol road as it was then and as  
8 it now is. On the upper part of the picture, the old  
9 village site is shown just at the junction of the Ross  
10 and Pelly Rivers.

11                              The road passed directly through  
12 the settlement of Ross River. The oil line operated for  
13 a brief period but the road was kept open intermittently  
14 until the late 1950's. During the late 1940's and  
15 early 1950's salvage operations hauled out much of the  
16 pipe and equipment abandoned after the closing of the  
17 oil line.

18                              If the beginning of the fur  
19 trade is considered the first major change in the Indian  
20 people of Ross River, then the Canol line could be  
21 considered the starting point of the second set of major  
22 changes. These changes were toward increased dependency  
23 upon government assistance and wage employment. The  
24 changes did not occur abruptly. People still continued  
25 to hunt and trap but to a lesser extent. The role of  
26 government aid and employment grew increasingly -- I'm  
27 sorry, grew in importance as increasing amounts of food  
28 supplies and other merchandise were purchased from the  
29 store. In order to receive the benefits of employment  
30 and government aid, families had to remain near employers



R. R. Sharp  
In Chief

1 and postal services. Under these conditions, the pattern  
2 of moving from community to bush and back again was  
3 established.

4 Between 1945 and the early 1950's  
5 most of the families of the region remained for longer  
6 periods of time in Ross River. By that, I mean they're  
7 becoming more sedentary. Government assistance, wage em-  
8 ployment with pipeline salvage and big game outfitters  
9 and a declining fur market encouraged people to stay in  
10 town. Wage employment was almost entirely for the  
11 summer season which allowed men to keep their trapping  
12 equipment in good order, accumulate a grubstake and  
13 spend the winter in the bush. Even with the low fur  
14 prices of the early 1950's, hunting and trapping was  
15 considered to be an economic venture which paid its own  
16 way.

17 With the closing of the Canol  
18 Line fewer jobs were available and the postal service  
19 became infrequent making it difficult to get government  
20 assistance. High prices in the Ross River post and  
21 a poor fur market combined with the above factors to lead  
22 to an exodus of many residents to places along the  
23 highway, such as Watson Lake, Whitehorse and Carmacks,  
24 where employment and government benefits could be  
25 received. About ten domestic groups remained in Ross  
26 River at this time. I say domestic groups because they  
27 weren't nuclear families in the sense that you might think  
28 of a nuclear family in the southern context, but there  
29 were ten domestic groups.

30 Discovery between 1960 and '65





R. R. Sharp  
In Chief

1 of lead, zinc and silver deposits in the Ross River area  
2 led to an exploration and staking rush. In 1962, the  
3 Canol road was reopened to service the mining develop-  
4 ments.

5 Many of the people who had  
6 moved out of Ross River in the 1950's immigrated back  
7 in the early '60's encouraged by the rumors of summer  
8 employment in the mining operation or with big game  
9 outfitters. At this time, many people began to stay  
10 about the settlement. However, wages and government  
11 assistance were insufficient to provide a year's supply  
12 of food from the store. Store goods were becoming a  
13 larger part of the daily diet but hunting and trapping  
14 were still essential as supplements to commercial foods.  
15 Bush activities were still regarded as the central  
16 lifestyle.

17 By 1966 the rich Anvil ore  
18 body which had been developed by a prospector who had  
19 been told of the showing by an Indian in Ross River  
20 was scheduled to become a mine. The Federal Government  
21 through the Roads to Resources Program, provisions or  
22 operation of lands and community and services, man  
23 power training and tax benefits, aided in the develop-  
24 ment of the mine and the supporting evidence of this  
25 is the Anvil Mines Agreement. A road was built from  
26 Watson Lake to the mine site passing by Ross River  
27 enroute. An airstrip was built in Ross River and air  
28 traffic increased to meet mining exploration demands.

29 A boom in Ross River accompanied  
30 the increased mining activity. The post was changed



R. R. Sharp  
In Chief

1 into a department store, a garage was built, a bar,  
2 a beer parlor were opened with a motel, a cafe, police  
3 station, health clinic, territorial road maintenance  
4 garage, a water system, a trailer court and a number of  
5 new houses and a school built in fairly quick order.

6 THE COMMISSIONER: Excuse me,  
7 where is the ore body on this map?

8 A Near this townsite called  
9 Faro. If you go almost directly north from there a  
10 distance about the length of the highway into Faro,  
11 you extend that line about another half an inch, about  
12 eight miles I believe to Anvil Mines. That's nearly  
13 at top of the mountain directly north of Faro.

14 Q Right.

15 A As white people moved into  
16 Ross River to take part in the construction of the  
17 mine. The mine was scheduled to be constructed by  
18 single labor and single men's accommodation only were  
19 provided at the mine site. Married men who wished to  
20 work in the construction yet still have their families  
21 nearby moved into Ross River. A number of white entrep-  
22 neurs and government agencies also moved into town  
23 during the same period.

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P.R. Sharp  
In Chief

1                   The influx of outsiders and  
2 business enterprises between 1966 and 1975 generated  
3 many dramatic changes for the Indian people of Ross  
4 River. The Indians did not share financially to any  
5 significant extent in the economic developm ent; however,  
6 they were to feel the consequences of the boom in the  
7 community and in the region. The balance of this paper  
8 will examine some specific impacts related to the  
9 overall mining project on the Indian community at  
10 Ross River.

11                   I would now like to consider  
12 the first of these four aspects outlined at the start  
13 of the paper. That's the one related to labor force.

14                   Four different labor forces have  
15 been drawn -- this may be an artificial way of posing  
16 the issue, but for the time being I'd like it to be  
17 regarded in that sense that I can make a point at a  
18 later time. Four different labor forces have been  
19 drawn into the region since the beginning of the mining  
20 boom. A crew of about 500 men were employed in the  
21 construction phase of the Anvil Mine. Exploration activ-  
22 ities employed between 100 to 200 men during summer  
23 seasons. The operation of Anvil Mine employed between  
24 400 to 500 with an additional 80 to 100 employed in  
25 transporting the ore. The government service sector  
26 has employed about 50 people in the Ross River-Faro  
27 area and an additional 20 people outside the region.

28                   This section of the paper  
29 will examine how each of these labor forces affected  
30 the Indian people of Ross River. It should not appear





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1 from the following discussion that each of these groups  
2 acted -- only acted independently of each other. This  
3 was often but not always the case. I have chosen to  
4 describe the influence each group brought to bear upon  
5 Ross River, for in my view this approach highlights  
6 specific aspects of the impacts major developments  
7 have upon small Indian settlements.

8 I would like to deal first  
9 of all with the construction phase, and this is the  
10 labor force that came in with the construction phase.

11 The construction of Anvil  
12 Mine and the townsite, Faro, was undertaken by Parsons,  
13 a general contractor with the major construction  
14 beginning in 1966. The general contractor sublet  
15 many aspects of the project to other firms. Each firm  
16 contracting a specific function, began with a core of  
17 men whom they had hired previously in the south. Further  
18 employment of skilled, semi-skilled and unskilled labor  
19 was managed by either the general contractor in conjun-  
20 ction with the government employment service or by the  
21 specific sub-contractors.

22 Accommodation and board pro-  
23 vided at the mine site was for single men only. The  
24 prefab bunkhouses located at the mine site itself  
25 housed about 400 men. I'd like to turn to that map  
26 again. At this time there was no Faro. They were just  
27 beginning initial construction of the crusher and the  
28 large concentrating plant at the mine site itself,  
29 and that was about -- I'm not sure, maybe five to ten  
30 miles from Faro, and that was where at that time everyone





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1 was accommodated. A commissary provided meals.  
2 All of the basic necessities were provided; however,  
3 there were limited diversions from the job after  
4 the shift was over. Card games appear to have been  
5 the major pastime of the men who lived in the camp.  
6 Movies were rented and shown two or three times a  
7 week in a warehouse which had been converted into a  
8 theatre. There were no liquor outlets, bars or hotels  
9 at the camp during the first two years of the construc-  
10 tion phase. Most of the contractors worked a six-day  
11 week with Sundays off.

12 Almost all of the construction  
13 workers came from outside of the Territory. Throughout  
14 the entire construction period approximately 15 Indian  
15 men from Ross River were employed in the project. The  
16 imported labor was generally a transient group moving  
17 from one major project to the next. Many came from the  
18 completed Hudson-Hope Dam project to work at Anvil.  
19 Men stayed at the site for a period ranging from an  
20 hour to a few years. Some left their jobs and remained  
21 in the area on their own, but most were taken back where to the southern centres  
22 they had been initially hired. The crews were generally  
23 quiet and job-oriented; however, in a group of 500  
24 isolated men, there were a significant number of excep-  
25 tions to this case.

26 THE COMMISSIONER: Mr. Sharp,  
27 how many people lived at Ross River, how many native  
28 people?

29 A At that time I would guess  
30 about 140, and this would be 1966-1967, 140, maybe 150



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1 Indian people lived in Ross River and about 40 white  
2 people lived in Ross River; but interestingly enough  
3 in that kind of statistic, though, is that in school  
4 I think there was something like 70 Indian children  
5 and maybe three or maybe four white children. The  
6 reason I bring that forward is because it sort of  
7 indicates something about the demography of the community  
8 at the time. The white people that moved in were by  
9 and large, they were married, they were generally  
10 quite young, most often if they had children  
11 they were young children if they had children at all.

12 Although the construction was  
13 to be undertaken by single males, some married men  
14 arranged accommodations for their families in Ross  
15 River. These employees would live in the bunkhouses  
16 during the week and commute by car or truck to Ross  
17 River on Saturday nights. They would spend the Saturday  
18 night and Sunday with their wife and family, and return  
19 to the mine site for the Monday morning shift. This  
20 involved as many as ten families and as few as three.  
21 This is over the construction phase.

22 When these men left the jobs  
23 that they held at the construction site, they either left  
24 Ross River with their families or they remained in  
25 Ross River seeking employment with the government  
26 service sector or private enterprise or mining explor-  
27 ation in business.

28

29

30



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In Chief

1 By that I don't mean just on  
2 the weekend but I mean when they quit the job.

3 This pattern meant that women  
4 and children of the construction workers were virtually  
5 tied to the settlement. None of these families were  
6 related to people in Ross River, almost all came from  
7 the southern cities and brought with them the desire to  
8 create their own kind of community rather than attempting  
9 to function within the established Indian community.  
10 There appears to have been two reasons behind this  
11 separate course of action. The families and the con-  
12 struction workers were people who appear to have had  
13 little if any input into the character of the cities  
14 in which they had previously lived -- in which they  
15 previously lived.

16 Moving into a small community  
17 in which the other white residents were also recent  
18 arrivals represented a real opportunity to influence  
19 the development of the settlement. The pattern of  
20 community they relied upon was that of a southern city.  
21 The attempt was made to recreate, as closely as possible  
22 that environment complete with all the urban amenities.

23 Secondly, these families  
24 generally found Indian ways incomprehensible. There  
25 was an off-hand rejection of becoming part of a bi-  
26 cultural community if that alternative was ever consider-  
27 ed and it is doubtful if the idea of fitting into the  
28 framework of the Indian community was ever entertained.  
29 Few had any previous contact with Indian people and most  
30 had stereotyped Indians in a manner that was, at best,





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1 uncomplimentary. George Miller in 1971 describes a number  
2 of incidents which support this contention.

3 During the three years I  
4 resided in Ross River, the stereotyping of Indian  
5 people appeared to have been the rule rather than the  
6 exception. Few of the whites in the settlement took  
7 the opportunity to know Indian people on an individual  
8 basis.

9 Over the past seven years  
10 Indian people have been changing in response to the  
11 kinds of attitudes and behaviors described above. While  
12 it has not been the families of the construction workers  
13 alone that have brought about these responses, they  
14 were party to establishing the social and economic  
15 framework which influenced the subsequent events in the  
16 community -- in the settlement.

17 Almost every aspect of the  
18 Ross River Indian's lifestyle had felt the impact of the  
19 changing conditions. Some of these changes the Indians  
20 regarded as beneficial, some as detrimental. Whatever the  
21 character of the changes accompanying the development,  
22 one thing was abundantly clear. The conditions which  
23 gave rise to the change were not controlled nor appreciably  
24 influenced by the Indian people.

25 White people moving into Ross  
26 River brought with them urban attitudes and behaviors.  
27 The store, responding to their requests, began to handle  
28 a wider range of merchandise such as stylish clothes,  
29 gadgets, hardware, fancy and quick preparation foods  
30 and other outside articles.



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1 In concern for missing out  
2 on something in some unidentified obscure way, many  
3 Indian people, primarily the younger people, began to  
4 purchase the same kind of articles. Functional value  
5 was frequently secondary in importance to style.  
6 The spending of limited funds on these items meant  
7 difficulties later in providing for basic needs.

8 The construction families  
9 along with other white residents, introduced many new  
10 patterns of social interaction. The community club  
11 established to administer community affairs and functions,  
12 was foreign to the Indian people. Demands were placed  
13 upon them to select leaders and to participate in  
14 community affairs. When Indian people failed to respond  
15 appropriately to the bewildering situation, they were  
16 unintentionally made to feel uncomfortable and unwelcome  
17 at the meetings. Almost all stopped attending the  
18 meetings and the management of community affairs fell  
19 to the white residents. This was <sup>to</sup> become a source of  
20 some resentment and bitterness later on.

21 The children of the Anvil  
22 construction workers attended the school which opened in  
23 1966 and I should probably insert that that might have  
24 been as much as or as few as three or four children or  
25 as many as ten or twelve. No, I'm sorry, I didn't  
26 realize it said that.

27 The student population from  
28 1966 to 1969 were composed of about 80 Indian children  
29 and four to twelve non-Indian children. The majority  
30 of the non-Indian parents desired that the school offer



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1 the same courses of studies as to be found in the  
2 urban areas so that their children would not lose out  
3 on schooling when they moved.

4 There was a resistance to the  
5 school programming designed to overcome problems endemic  
6 to schools in predominantly Indian communities. This  
7 reaction to local and remedial programs in effect  
8 curtailed the school's effectiveness in teaching the  
9 Indian children. The point was clearly made to the  
10 Indian people that the minority transient white people  
11 exercised considerable control over the education of  
12 Indian children.

THE COMMISSIONER:

13 Q You were the principal  
14 there at the time?

15 A I was the principal there  
16 between 1968 to 1971 and that same process was in effect  
17 when I was there at that time.

18 While the children of all  
19 sectors of the settlement mixed easily, in most cases  
20 there was little contact between white and Indian  
21 adults in Ross River. The only situation which provided  
22 common grounds for contact between individuals to be  
23 established aside from the store, was the bar. It was in  
24 the bar that many different groups of people congregated.  
25 The Indian people generally sat together with some  
26 movement from table to table among themselves. The  
27 white people generally broke into two groups. On Satur-  
28 day nights, the married construction workers would fre-  
29 quently spend the evening in the bar with their wives  
30 and the single men who also came down from the mine site.





1 The other white people; government personnel, entrepreneurs  
2 and those involved in mining exploration, would  
3 generally group together. That's probably implying  
4 it's a little too rigid because it's certainly more  
5 fluid than that although that's an impression of what  
6 happened most of the time.

George Miller refers to the fights in his report:

29 My observations support those  
30 of Miller. However, the Indian people were losers, not





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the  
only in/fights but in the whole scheme of things. The  
climate of drunkenness, beatings, sexual exploitation  
and the frustration at being incapable of altering these  
conditions led Indian people into more frequent violent  
acts among themselves.

The presence of the R.C.M.P.  
lends weight to this statement. The first detachment  
opened in 1966 with the construction boom. This was  
changed from one man to a two-man detachment in 1969 as  
a result of a considerable increase in the amount of  
police work required both locally and at the mine site.

Throughout this period, the  
Anvil Mining Corporation attempted to minimize some of  
the negative effects the construction phase had upon  
Ross River while attempting to provide some employment  
opportunities to men from the community. Movies were  
loaned to Ross River in a gesture of goodwill for quite  
a period of time, about two years on a weekly basis sort  
of thing.

Workers were asked to avoid  
conflicts and problems, and management representatives  
visited Ross River to smooth ruffled feathers.



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The point made here is that the good intentions of the corporation and the government were of less consequence than the interactions between their employees and the Indians of Ross River, and the attitudes of some of their men toward employing and working with Indians. There were no specific stipulations about employee behaviour or employment of local residents during the construction phase of the mine. If there were, it is doubtful if they would have had any significant effect in avoiding some of the kinds of difficulties I have briefly discussed.

This section of the paper has touched upon some of the consequences of the influx of mine construction people. It should not give the impression that those employed in the mine construction alone influenced the community. During the same time span and as a result of the mining developments, many other groups were to make impacts upon the Ross River Indians.

20 This is the second labor  
21 force under discussion. That was labor force in related  
22 developments, and one of those related developments  
23 was mining exploration activities.

The discovery and the development of the rich Anvil ore body led to a staking rush in the region. Almost all of the 40 miles between Ross River and Anvil as well as about 40 miles downstream were staked. The whole of the Tintina Fault area became subject to extensive scrutiny.

30 If you look at the map again



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1 the Tintina Fault, if you look along the Pelly River  
2 for nearly 150 miles where it says "Pelly River",  
3 if you drew a line along there and extended it almost  
4 in the same plane as the line that runs -- where it  
5 says "Pelly River, Faro, Ross River," and the Pelly  
6 River a second time, it's rather straight. A major  
7 fault system runs through there down to Watson Lake.  
8 It's called the Tintina Fault, and along that fault  
9 there have been a tremendous number of mineralizations,  
10 and it was and it is now a hotbed for mineral explora-  
11 tion.

12 Three to five different  
13 exploration companies operated out of Ross River during  
14 the summers of 1965 to 1969. These companies would  
15 conduct exploration programs requiring geologists,  
16 prospectors, pilots, chemists, lab technicians, and  
17 university students to work throughout the summer. The  
18 prospectors and pilots were generally hired from within  
19 the Territory. The activity about Ross River enticed  
20 a small charter aircraft business to become established  
21 and two or three prospectors to settle permanently  
22 in the community. Indians were often hired as prospec-  
23 tors, assistant prospectors and line cutters. Exploration  
24 companies said that they preferred to hire local Indian  
25 men because they were bush wise and there was less  
26 likelihood of a split shin or a case of getting bushed  
27 or lost than there was with people from the outside.

28 The relationship between the  
29 exploration crews and the Indians were usually relaxed  
30 and cordial. Men were recognized for their abilities





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1 and their strength in the bush, not primarily for  
2 their behaviour in the bar.

3 Generally the imported  
4 exploration labor spent only the summers in the area  
5 and would exhibit considerably greater tolerance to  
6 Indian people who had been drinking. This tolerance  
7 decreased with the increased familiarity brought with  
8 seasonal returns to the community and with their  
9 increased identification and polarization with the  
10 white sector of the settlement.

11 Quite a few Indian men sought  
12 and accepted positions with exploration crews. Assistant  
13 prospecting was the preferred job. After a couple of  
14 seasons working for companies that paid a bonus for  
15 the discovery of a showing, Indian men began to feel  
16 that they too should be working for prospectors' wages.  
17 They were consistently finding more showings than the  
18 prospectors they were assisting. The catch was, to pass  
19 the prospecting test administered in Whitehorse. The  
20 fact that a test had to be written, that it had to be done  
21 in Whitehorse deterred men from becoming prospectors.  
22 The more lucrative jobs were not open to Indian men.

23 In 1969 the Yukon Territorial  
24 Government, Department of Vocational Education was  
25 approached about offering a prospector training program  
26 in Ross River. The course was set up in 1970 sponsored  
27 by the Yukon Territorial Government and Canada Manpower.  
28 Approximately 25 men took the course and all that  
29 wrote the prospectors' exam (about 22) passed with honors.  
30 It is ironic that the season these men should qualify as



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1 prospectors was a slow one for exploration. Very few  
2 could find positions, and all were limited in the work  
3 they could do on their own. Most who had prospected  
4 with exploration crews had signed agreements<sup>stating</sup> that they  
5 could not prospect for three years in a three-year  
6 period in areas which they had previously prospected for  
7 other employers. Quite a few of the men expressed  
8 regret for having shown exploration firms mineral  
9 deposits they had noticed at earlier times. The training  
10 was worthwhile, however. Two or three Indian men have  
11 developed and sold properties they have found.

12 While the mining exploration  
13 crews were in the field, there was an expeditor located  
14 in Ross River to assure the needs of the camp were  
15 met. There were also two temporary mineral analysis  
16 firms operating in town during the summers of 1966 to  
17 1969. These firms would employ one or two local  
18 people as lab assistants.

19 The impact of all of the  
20 people involved in mineral exploration exerted was  
21 minimal because of three factors:

22 a. most families moved out of town as soon as school  
23 holidays began, even if men were employed elsewhere;

24 THE COMMISSIONER: You mean  
25 native families?

26 A Native families.

27 b. the people involved in exploration activities were  
28 generally out of town and when they were around the  
29 town, it was almost deserted, that is deserted of  
30 native families, and



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1 c. the employment offered to men drew upon skills  
2 they possessed rather than demanding retraining and  
3 relocation.

4 The second set of developments  
5 that followed with the mine, I'd like to deal with the  
6 labor force that came with this group, and that was the  
7 local entrepreneurs.

8 The boom in the mining business  
9 and the construction of a road network opened a number  
10 of opportunities for entrepreneurs in Ross River. The  
11 post expanded to supply the summer exploration crews,  
12 and to meet the demands for a wider range of supplies  
13 requested by the new white residents. In 1967 the bar  
14 and motel were set up in a group of connected trailers.  
15 A cafe, garage, trailer court, charter aircraft company,  
16 a second store, and a Band Saw Mill Co-Op were set up  
17 during the same period. Each of these buildings --  
18 businesses, excuse me, each of these businesses were  
19 owned or managed by white people who had moved into  
20 Ross River since 1966.

21 Entrepreneurs made substantial  
22 investments in the community and consequently they regar-  
23 ded themselves as being less mobile. These people were  
24 generally strong-willed individualists who undertook  
25 their tasks with considerable spirit and energy. Almost  
26 all were initially generous of their time and their  
27 resources to help in community affairs, and thought of  
28 themselves as permanent residents who established the  
29 community. It was their desire to improve the community  
30 and they were instrumental in having a number of services





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and amenities provided to the settlement.

These people demonstrated considerable strengths and flexibilities in the face of two considerations. Throughout the period between 1966 to 1969 there was substantial doubt on the part of the Territorial and the Federal Government agencies that the Community of Ross River would continue to exist after the construction of Faro was completed. Faro was the townsite for Anvil Mine. All government installations with the exception of the road maintenance garage were portable structures. They were prepared to move with the anticipated exodus to Faro. The businessmen who located in Ross River did so in the face of the anticipated collapse of the settlement.

The second condition facing the new business people was that almost all other white residents in the community were also newcomers. No defined social patterns had been established. The absence of a decipherable social structure was the source of considerable confusion and conflict among the white people in the settlement. This situation led to the rapid typing of people into broad categories so that an individual could determine with whom he could associate comfortably. White people could not stay in two camps. If he befriended Indians, he was accepted by some and rejected by others. This condition of, "either you are for us or you are against us," increased the separation between Indians and whites.





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The political development of the settlement's residents paralleled the growth of the community as they kept abreast with changes. Most of the white residents had some previous experience in community government and political action. They were able to use this knowledge to form a Community Association in 1966 and work toward some common goals. The Indian residents had no such prior knowledge or experience. The Department of Indian Affairs had established a Chief and Council in 1966 but these individuals did not have any clear idea of their functions or roles. McDonnell also cites that in his documented presentation, the conditions that arose in that situation. Community affairs passed the Indians by during the late 1960s. The white entrepreneurs interpreted the lack of Indian participation as indifference which failed to support and at times obstructed their efforts towards what they saw as the betterment of the community.

In 1959 the Yukon Native Brotherhood was created. One of its first acts was to establish management training programs for band members. Bands became aware of their political situations, as well as how they could be changed. Many band members viewed their exclusion from the white community with bitterness. Some of the white people had been friends prior to the boom. With the boom, these people stopped associating with their Indian acquaintances of the past. Exclusion from part of the community and being spurned by old friends, the Indian people responded in



1 kind as they began to develop political and managerial  
2 skills.

3 Most white entrepreneurs  
4 operated on the basis of the unquestioned assumption  
5 that the introduction of urban amenities and services  
6 were for the betterment of the community; this assumption  
7 was endorsed with such conviction that many Indian  
8 people also accepted the proposition unquestionably.  
9 These decisions carried many unanticipated changes. For  
10 example, T.V.s produced a marked change in physical  
11 fitness and a person's ability to withstand cold.  
12 The effect has been to reduce the hunter's ability.

13 The services and amenities  
14 that were established in the community reflected white  
15 biases. The water line was located only in the white  
16 sector of the settlement. A stand pipe, linked with  
17 the water line, provided the source of water for the  
18 Indians and some white residents. I believe it's  
19 shown on the map as well in No. 1, the dotted line  
20 on the map of the community of Ross River indicates  
21 the water line, and I think it's mentioned later in  
22 the paper those two small lines, dotted lines that  
23 cross the main road into the shaded area called  
24 Indian lands were extension lines.

25 As the roads in the white part  
26 of the community were gravelled and well-maintained, <sup>in the winter</sup>  
27 while those in the Indian sector were neither gravelled  
28 nor maintained in winter. The proceeds from all movies  
29 shown in the community went into the community associa-  
30 tion coffers even though it was primarily Indian people



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1 that attended the shows. The B.C. curriculum was  
2 taught in the schools and deviations from this curriculum  
3 were discouraged by white residents. The road system  
4 was used predominantly by white residents. In 1967  
5 there were no Indian people in Ross River who owned  
6 vehicles, although many hired the taxi to go to camps  
7 out of town. Public lands in the vicinity of the set-  
8 tlement were surveyed, zoned and sub-divided. Title  
9 could be leased or purchased from Whitehorse, through  
10 a process unfamiliar to most Indian people.

11 Air service and all that it  
12 entailed was available to all in the case of emergency.  
13 All government institutions were built within the  
14 white sector of the community prior to 1972.

15 The allocation of the Land  
16 Reserved for Indian Use restricted the services which  
17 could be located in the Indian sector of the community.  
18 While there may have been sound political and economic  
19 reasons for locating some of the services where they  
20 did, the one-sided effect was clearly recognized by  
21 the Indians and construed to be unequitable by the  
22 Indians.

23 In another sector of that  
24 labor force that came in with adjacent developments  
25 were those that came in with the government labor  
26 force.

27 The R.C.M.P. Detachment  
28 -- sorry, the R.C.M.P., Department of Territorial  
29 Engineering, Yukon Forest Services and Public Health  
30 constructed facilities and staffed them during 1966 and





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1 1967. I mentioned at a later date the school, and I  
2 should include the school in that list as well. These  
3 services employed eight people initially, increasing  
4 to 13 permanent employees by 1969. That would include  
5 school employees as well. Twothirds of these people  
6 were married with families. They were more transient  
7 than most of those who had established businesses in the  
8 settlement, usually staying a year or two before moving  
9 on. Some individuals remained as long as seven or  
10 eight years. Accommodations were provided and subsidized  
11 by government workers who lived in Ross River.

12 Because of the short periods  
13 of residency, few government service personnel created  
14 lasting individual impressions upon the settlement.  
15 However, the services provided have resulted in some  
16 irreversible changes which will be discussed later.  
17 The people who delivered the social services were in  
18 close contact with Indian residents on a daily basis.  
19 Some of these people attempted to adapt the service  
20 they rendered so that it more closely met Indian  
21 needs while others appear to have tried to adapt the  
22 needs of the Indians to the service. Some government  
23 employees fit in well, others not so well. Some  
24 responded more sensitively to one sector than another.  
25 Others attempted to be sensitive to both.

26 There were a few local  
27 employment opportunities with the government agencies.  
28 Those which were available were generally taken by local  
29 whites. Indian men were employed with the Territorial  
30 Engineering Department when they required one or two



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1 laborers over the summer months. The school employed  
2 an Indian to do custodial work. The major employer of  
3 Indian people was the Yukon Forest Service. Five to 20  
4 Indian men would be employed for fire-fighting during  
5 times when there were many forest fires. Northern  
6 Health Services employed an Indian person as a community  
7 health worker. By 1970 there were only two Ross River  
8 Indians permanently employed by government agencies.  
9 That was in the community.

10 Now this is the third area in  
11 which I considered labor force. This is the labor  
12 force of the mine site itself, the mining labor force.  
13 I'd like to say something about that as well.

14 The day Anvil Mine was brought  
15 into production went pretty well unnoticed in Ross  
16 River. Some of the construction workers who had lived in Ross  
17 River had moved, others had elected to remain in the  
18 community; some with the mining company, some with  
19 private business, or mineral exploration, and some with  
20 government services, and some with occasional odd jobs.  
21 Most of the people who were <sup>going</sup> to move to Faro had moved  
22 by this time.

23 By 1969 a shopping centre,  
24 recreation centre, bar and hotel opened in Faro. About  
25 200 families were living in apartments and the balance  
26 of the mine labor force, about 200 single men, lived  
27 in bunkhouses located in Faro. The improved services  
28 in Faro meant less frequent visits to Ross River which  
29 resulted in a decrease in the kinds of exploitation of  
30 the community discussed earlier. However, the different



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In Chief

1 labor force in the mine exploited other resources  
2 which also resulted in difficulties for the Indians  
3 at Ross River.

4 The family men who moved into  
5 Faro were required to provide food for their families.  
6 Food was not provided as it had been for the single  
7 men, I'm referring here to the commissary where everything  
8 was laid on. Many of these people hunted to supplement  
9 their food supply. Hunting almost always meant driving  
10 along the road in hopes of intercepting big game.  
11 A food source which had previously <sup>been</sup> supplying Ross  
12 River exclusively was now being utilized by Faro as  
13 well. This meant a decline in the number of animals  
14 taken by people in Ross River, Indian people in the  
15 settlement felt this loss more than the white residents  
16 because game meat represented a substantial part of their  
17 total diet. I could refer you to McDonnell's dissertation  
18 on a discussion of this. People in Ross River also  
19 indicated that increased hunting pressures from vehicles  
20 drove the game back some distance from the road. This  
21 meant not only less game but less likelihood of  
22 sighting game at old haunts. (The influence of the  
23 road network on hunting patterns will be discussed  
24 later on).

25 Since the settlement of the  
26 families and the development of the recreational  
27 activities in Faro, the interaction between the people  
28 of Ross River and Faro shifted considerably, there  
29 being frequent baseball games and hockey games between  
30 the two settlements. The teams from Ross River consisted





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1 of a cross-section of people indicating a developing  
2 cohesiveness in certain areas of interaction. This  
3 has been developing over the last two or three years.  
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P. R. Sharp  
In Chief

1 I have given some thought in  
2 that first part of the paper to what happens with the  
3 influx of various kinds of people into a region, all  
4 participating in different kinds in labor forces. I'd  
5 like to move to the next aspect which is the adjacent  
6 developments which occur with these kinds of major  
7 developments.

8 The expansion of businesses  
9 and services in Ross River, the construction of the  
10 transportation system and mining exploration can be  
11 attributed to the development of Anvil Mine. Without  
12 the building of the mine, these developments would probably  
13 not have occurred or <sup>if</sup> they did, they would have been  
14 much delayed and more gradually done.

15 I'd like to deal now with the  
16 business developments in Ross River. I've mentioned this  
17 before and I'm afraid that the way I've approached this  
18 issue it will be a little redundant but I've done this,  
19 as I said before, to make a point of it here.

20 The post expanded first into a  
21 store then to a department store. Between 1966 and  
22 1973, five different people purchased and managed the  
23 store. All but one of these people came into Ross River  
24 with families and all but two left the community. People  
25 left the store for various reasons; poor management, inability  
26 to meet debts, personal difficulties, conflicts with the  
27 community, an interest in different ventures, or  
28 just a desire to move along.

29 A change of store owners re-  
30 sulted in some confusion. Each new manager was checked



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1 out about credit extension, fur buying and grub staking,  
2 This was by Indian people. The store job required a fair  
3 knowledge of each individual in order to be able to  
4 deal with these issues appropriately. A pattern was  
5 established with each new owner. Initially, there was  
6 a fairly relaxed and friendly credit policy except for  
7 those carrying large debts.

8 In the face of some Indians  
9 running up very large debts which could not be paid  
10 and the opinions presented by other white residents  
11 of the settlement about the fiscal irresponsibilities  
12 of Indians, credit quickly became more restrictive.  
13 Easy credit was a novel experience for many Indians  
14 and some had run up crippling debts before they  
15 realized how to manage the new situation.

16 The bar-motel complex is the  
17 business which appears to have had the greatest impact  
18 upon Ross River. It provided a ready outlet for liquor.  
19 Whether this was the major cause of many drinking problems  
20 may be debated, but that it facilitated drinking and the  
21 related difficulties cannot be questioned.

22 The bar was also the major  
23 social recreational center in the settlement. It became  
24 a focal point for many community activities and it also  
25 became a focal point for many of the drink related prob-  
26 lems.

27 The opening of the school --  
28 I realize this in the business, I should have stated  
29 this in the government situation, but I'll say it here.

30 The opening of the school in



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1 Ross River affected Indians in two different ways. It  
2 unintentionally placed an additional economic burden  
3 upon families with school aged children who had previously  
4 been in residential school. The families simply had to  
5 provide for more people. It tied families with school  
6 aged children to the settlement during the school term.  
7 This restricted fall-winter and spring hunting and  
8 trapping for these families, and it was an additional  
9 pressure which required Indian people to purchase an  
10 increasing part of their food supply from the store.

11 Another business which opened  
12 near this time was the Co-op Saw Mill. The Band Council  
13 of Ross River established a Co-op Saw Mill in 1966.  
14 The co-op operated for about three years, two of which  
15 were at a loss. Miller in 1972 examined this situation  
16 and found three factors led to the failure of the co-op.  
17 These were:

- 18 1. The managers training program was not effectively  
19 reaching the Indian trainees. No one was sufficient-  
20 ly trained to take over the management of the co-op.
- 21 2. Anvil did not purchase the anticipated amount of  
22 logs, lumber, logs and beams
- 23 3. The Band did not feel that they owned or controlled  
24 the co-op.

25 During its short period of operation, the saw mill  
26 employed between five and 14 men. The mill was situated  
27 30 miles out of the settlement towards Anvil so that  
28 the people had to relocate in order to work there.  
29 If you look at the map and drew a line about half-way  
30 between Faro and Ross River, on the road and extended that





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1 directly towards Faro, you would intersect the river  
 2 about a third of the way down to Ross River. At that  
 3 point, they had a small tote road and a ferry across  
 4 the river and the bridge which was built at the point  
 5 shown here now was not in use<sup>till</sup> I think late '68, early  
 6 '69 and prior to that time, they used the ferry and on  
 7 the tote road. It was just at the point of crossing that  
 8 the saw mill is located.

9 The one major band venture of  
 10 this period failed while other businesses were succeeding.

11 Not only were there -- not  
 12 only were there increases in the businesses at this  
 13 time as part of the developments that accompanied the  
 14 mine, there was also an explosion in the mineral  
 15 exploration activities and I'd like to discuss that  
 16 issue now.

17 This paper has already touched  
 18 upon some of the influences, the increase in mineral  
 19 exploration activities had upon Indians of Ross River.  
 20 In addition to the seasonal jobs available in exploration,  
 21 and the influx of outside workers, there were other  
 22 consequences of the exploration activities in the region.  
 23 These were a network of tote roads constructed to quite  
 24 a few potential mine sites. These tote roads provided  
 25 easier access to many parts of the country and opened  
 26 up areas for hunting by vehicle. These areas have been  
 27 overhunted and now game is scarce where it once had been  
 28 more abundant.

29 Had it not been for the local  
 30 purchases of the exploration company, the store probably



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1 could not have carried the goods nor operated as it did.  
2 The exploration companies generally purchased a large  
3 part of their food and camp supplies in Ross River. These  
4 represented a substantial proportion of the store's  
5 income which sustained it through the quiet winter  
6 months as well as providing support for the wide range  
7 of merchandise carried.

8 The presence of the exploration  
9 companies also had the consequence of generating and  
10 sustaining a great deal of interest in mineral explora-  
11 tion. This interest led many people into the occasional  
12 prospecting in hopes of hitting it rich. Walking through  
13 the bush on a hunt almost always combined with pros-  
14 pecting and as a result a few showings were discovered.  
15 This interest in prospecting also led to the mining  
16 exploration training program which has been discussed  
17 earlier in the paper.

18 The third set of conditions --  
19 I mentioned the first was a large imported labor force,  
20 the second was a set of adjacent developments accompany-  
21 ing a large enterprise. The third one was the develop-  
22 ment of a transportation infrastructure. I'd like to  
23 discuss that issue.

24 A road network. The reopening  
25 of the south Canol road in 1962, the completion of the  
26 Robert Campbell highway in 1968 and the reopening of the  
27 north Canol road to the N.W.T. border placed Ross River  
28 at the hub of a road network and if you look at the map  
29 it becomes quite apparent there.

30 The road network was another of



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1 the mixed blessings which accompanied Anvil's growth.  
2 Increased access and the cheaper freight rates and  
3 commodities, better health care in case of emergencies,  
4 opportunities to visit other communities, much greater  
5 ease in reaching bush camps, an extended hunting  
6 range, more accessible winter wood supply, increased  
7 employment opportunities and more accessible government  
8 services and assistance.

9 While these factors may generally  
10 have been considered benefits, there were also factors  
11 which were regarded as disadvantages to many Indian  
12 people in Ross River. With the roads, came traffic  
13 deaths of local people, increased movement of people from  
14 outside into the settlement, over-hunting adjacent to  
15 the road and a consequent depletion of game, bush camps  
16 placed next to the road with a resulting increase in  
17 moving back and forth between camp and town and a whole  
18 series of difficulties and tragedies related to drinking  
19 and driving.

20 The roads in the immediate vic-  
21 inity of Ross River have become virtually essential.  
22 The increase in vehicle ownership between 1967 when no  
23 Indians owned a vehicle to 1974 when ten cars were  
24 owned. Well, by cars, I should include pick-ups in  
25 that as well -- testifies to the increased use and  
26 dependency upon the roads. While local roads were  
27 valued for the above reasons, it was the connecting  
28 roads to the outside which were the sources of grievances  
29 it seems.

30 The airstrip. This was also





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1 part of the transportation infrastructure that developed.  
2 The airstrip was built in the mid-60's as part of  
3 the Remote Community Emergency Airstrip Program. It  
4 was not a coincidence the strip built in Ross River  
5 was able to handle air traffic generated by the local  
6 mining developments. Other similar settlements did  
7 not receive comparable packages.

8                   The airstrip and road network  
9 made Ross River a logical choice for base mineral  
10 explorations along the Tintina Fault. The strip was  
11 used by a weekly scheduled flight and intermittently for  
12 mining related business. The strip was also used in  
13 cases of medical emergencies where evacuation to White-  
14 horse was required and by fire bombers in fire fighting  
15 operations.

16                   The location of the airstrip  
17 has posed difficulties for Indians in Ross River. The  
18 road, the river and the airstrip have boxed in Indian  
19 lands, limiting possible expansion and development of  
20 the existing community.

21                   Now, this map was drawn I think  
22 in '73. Since that time, the airstrip -- I'm referring  
23 now to the map of the community of Ross River -- the  
24 airstrip is shown at the bottom of the map as being  
25 lengthened and has been reoriented. It has been re-  
26 oriented so that it no longer has that slight dip down  
27 but a slight dip up, and it almost touches the bend but  
28 now it comes I think within about -- oh, gosh, I'm  
29 not sure. It comes much closer to the bend in the river.  
30 a slight dip up                   and about half again as long. I think





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1 it's a 5,000 foot strip now. It's somewhat -- if I  
2 can draw an analogy -- somewhat similar to the one in  
3 Old Crow.

4 Communications. This is a  
5 part of the transportation and communication infra-  
6 structure.

7 Telephones were connected to  
8 outside lines in 1970. Prior to that, there was a  
9 telephone system in Ross River, but you could only  
10 phone in Ross River. I think there were something like  
11 six or seven phones, in the community at the time.  
12 Prior to that, all communication outside of the  
13 settlement were conducted by radio telephones. The  
14 installation of lines coincided with YNB's band training  
15 programs. The phone was used frequently by the band as  
16 they began to draw upon the knowledge, experience and  
17 political authority of the YNB. The YNB here is the  
18 Yukon Native Brotherhood. The phones aided bands a  
19 great deal in their own growth.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30



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Now the fourth section that I chose to deal with was the commitment on the part of the Federal Government and Anvil Mines to employ native people in the mine.

The Federal Government and Anvil Mine in 1967 signed an agreement, the Anvil Mine Agreement, which set terms for construction and operation of the mine. In the second phase there were a number of stipulations regarding the hiring of locals. I will quote two <sup>related</sup> sections for they bear directly upon this part of the paper. I should probably insert the second phase. The first phase bring the construction phase; the second phase was the operational phase.

Section 3, sub-section (2):

- "(2) During the second stage Anvil will,
- a. Subject to sub-section (3), employ competent local residents, particularly Indians and Eskimos, to the extent that at least 5% of the total number of employees within the first year, rising to 10% in the second year, and 25% in the fifth year, after the mine comes into production; and
  - b. Institute a training program for supervisors and foremen to ensure compliance with the undertakings set forth in paragraph (a) of this sub-section."

While Section 3, sub-section (2), may have been fulfilled to the extent of the two-year requirement, it appears as though the phrase "particularly Indians and Eskimos"



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1 have been overlooked until recently.

2 During 1970 and '71 about five  
3 different Indian men from Ross River worked with Anvil.  
4 Three of these men worked for only a short period of  
5 time. They all indicated that they did not like the  
6 job -- did not like the work at the mine. It was dusty  
7 and depressing on most jobs. All of the men were un-  
8 skilled and were given tasks which did not require  
9 skills. The main difficulties for the men working at  
10 the mine site came after hours. They were separated  
11 from friends and relatives, placed in an unfamiliar  
12 accommodation, and confronted with unpleasant tasks.  
13 These could hardly be considered incentives to stay,  
14 even in the face of good wages. Drinking after hours  
15 frequently added to these difficulties. Some Indians  
16 from Ross River set up tent frames and cabins near the  
17 mine, but the corporation attempted to discourage this  
18 type of settlement.

19 All of the men returned to  
20 Ross River after they finished with their jobs. They  
21 frequently spoke of the problems related to working  
22 in the mine. It is little wonder that other men from  
23 Ross River did not seek jobs with the mine. Most Indian  
24 men were seeking short-term employment which would  
25 allow them to return to other pursuits such as hunting  
26 and trapping which were economically less profitable but  
27 more rewarding and satisfying.

28 From the standpoint of the  
29 Ross River Indian men, the Anvil 'Agreement was of little  
30 relevance. Their intention to hire locals, particularly





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1 Indians, were of no consequence. Neither the permanent  
2 jobs nor the style of accommodations appealed to Indian  
3 men. The terms of the agreement were not reasonable  
4 in the light of this consideration.

5 I'd like to sort of put that  
6 into an overview of what happened in Ross River.

7 The preceding description  
8 has conveyed the impression that Anvil Mine had a number  
9 of isolated and disjointed impacts on Ross River. While  
10 there is value in this approach, in that it may isolate  
11 a particular sequence of events, it can also be mislead-  
12 ing if there is no consideration given to how the overall  
13 pattern of changes have affected the Indian people of  
14 Ross River. The following section of the paper will  
15 discuss how the events tied to the development have  
16 changed the people and their community.

17 The dramatic and rapid juxta-  
18 position of western culture on the isolated Indian  
19 settlement resulted in shifts in the economic and  
20 social fabric of the community. With the mining develop-  
21 ment there was a resultant boom in Ross River. The influx  
22 of government employees, white entrepreneurs, and  
23 mineral exploration personnel brought to the settlements  
24 the trappings of western culture.

25 There were few permanent  
26 employment opportunities in Ross River for Indians  
27 throughout the boom. There was, however, an increase  
28 in the number of seasonal and part-time jobs available,  
29 which did provide Indians with more cash. The increased  
30 income was not, in most instances, sufficient to provide



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1  
2 for all the necessities without being supplemented  
3 by hunting. Money, which had previously gone into the  
4 purchase of basic food supplies and necessary equipment  
5 began to be spread over a wider range of merchandise.  
6 During this same period, the opening of the local  
7 school had the effect of keeping parents with school-  
8 aged children tied to the settlement. The combination  
9 of restricted movement and a change in consumerism  
10 would have created hardships had it not been for  
11 government intervention. McDonnell deals with this  
12 in some detail in his dissertation. Government agencies  
13 provided welfare and winter works projects which  
14 forestalled pending difficulties.

15 The summer employment of  
16 Indian men and the restrictions on the movement of  
17 parents with school children resulted in two significant  
18 changes. There were considerably different groupings  
19 in bush camps. Men with school-aged children could not  
20 leave their families in town and hunt  
21 -- sorry, could leave their families in town and hunt.  
22 However, this led to difficulties. Leaving a wife and  
23 children in town with its attendant drinking, fighting  
24 and the inundation of miners and construction workers  
25 was an unsettling thought for many men. The knowledge  
26 of government aid was a further deterrent to their going  
27 into the bush. During the summer most families would  
28 move into bush camps. This was frequently done without  
29 the male providers who had obtained summer employment.  
30 A camp without hunters was required to rely more on



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1 food supplies purchased from the store. Those couples  
2 without school children<sup>could</sup> still camp a large part of the  
3 season. However, other changes meant that these people  
4 as well became more tied to town. There was a decline  
5 in the use of the bush and furthermore, there was a  
6 loss in skills related to hunting and trapping. Most  
7 children were in school during the age they would  
8 have been taught these skills.

9 The attractions and distractions  
10 associated with living in the settlement had multiplied  
11 and become more confused through the boom. Visiting,  
12 drinking, the store, the school, were all at times  
13 considered attractions, but gossiping, drunkenness,  
14 sexual exploitation, conflicts and violence, lack of  
15 funds and the feeling of being tied down were all part  
16 of the distractions of the settlement. The bush also  
17 offered attractions and distractions. However, the bush  
18 camp had become an uneconomic venture when weighed  
19 against employment and government aid available in town.  
20 These considerations gave rise to a change in the  
21 pattern of land use utilization. Camp sites were  
22 selected largely for their accessibility to town so  
23 that people could move back and forth with ease.

24 The shift to a more sedentary  
25 style of existence is reflected in the following table  
26 from Roger McDonnell. The title of the table is, and  
27 I quote here:

28 "Profile of some recent changes in the lifestyle  
29 of the Indians of Ross River, 1967 to 1974."

30 He cites those two years, he cites these following





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1 things: Housing, 1967 there were 11 tents and 18  
2 houses making a total of 29 domestic groups in the  
3 community. In 1974 there was one tent and 32 houses,  
4 these are occupied as residences. 32 houses and one  
5 tent in 1974. However, the 32 houses is somewhat  
6 misleading here. It indicates that there has only been  
7 14 houses built, whereas many of those 18 houses that  
8 previously had been standing were torn down and new  
9 ones had been built and there was a Territorial  
10 housing program also has taken some of the housing.  
11 In transportation, modes of transportation, in '67  
12 there were 21 dog teams, by "dog teams" that is four  
13 or more dogs, Roger's counting, no cars and one snow-  
14 mobile; in '74 there were five dog teams and ten cars.

15 In '67 households spending  
16 September to December in the bush, and there were 13  
17 bush camps, 13 households spending, 13 domestic groups  
18 in the bush camp in '67 and 16 in town, contrasted in  
19 1974 with three domestic groups in bush camp and  
20 30 in town.

21 Household incomes reflect this;  
22 '67 there were 12 families with incomes between \$120  
23 and \$250 per month, and there were 17 families with  
24 less than that. In 1974 there were 30 families with  
25 incomes between \$120 and \$600 a month and three only  
26 with less than that.

27 The socially negative aspects  
28 which developed in the settlement left lasting  
29 impressions upon many. Combinations of drinking, open  
30 conflicts, violence, sexual exploitation and an array





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1 of frantic attempts to adjust to a sedentary lifestyle  
2 aided in the disintegration of some marriages. Other  
3 factors which will be discussed later, also contributed  
4 to marital breakdown. Increased use of vehicles,  
5 along with a more sedentary lifestyle has meant the  
6 abandonment of dogs. As a consequence, the option  
7 of establishing bush camps a distance from roads was  
8 no longer available to domestic groups. Not only have  
9 the dog teams been abandoned, but much of the equipment  
10 used in the mobile hunting pattern have also been  
11 abandoned. There is no longer the need to travel light  
12 with a pickup truck available. Nor the demand to  
13 cache or discard articles because they couldn't be  
14 carried along. These people have shifted towards the  
15 acquisition and accumulation of material goods. This  
16 shift has been partially induced by the pattern of  
17 consumers and of white residents.

18                                   The increase in the value  
19 being placed upon material goods has created other  
20 difficulties. Obvious differences in the amount and  
21 kinds of material acquisition has been a growing source  
22 of resentment between white and Indian factions. Poorer  
23 housing, fewer vehicles, less income, fewer local  
24 employment opportunities have all been visible differences.  
25 Assessing these differences as / <sup>inequities</sup> rather than reflection  
26 of different and distinct cultures is a good  
27 indication of the Indian shift to acquiring the urban  
28 attitudes and goods.

29                                   I'd like to make an assertion  
30 here, and that is at this time two things were in play.



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1 At one moment a person would view it that way, as I've  
2 described here, as inequity , and another moment a  
3 person would say, "Well, that's his way; I've got my  
4 way."

5 It's not quite as simple as  
6 it may appear. The situation is complex and I want to  
7 qualify that comment, with what I have said there to  
8 give an indication that it is <sup>a</sup> complex situation.



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Housing provided by Indian Affairs and Northern Development and Yukon Territorial Government resulted in a number of unforeseen changes. The government provided housing as another form of assistance. Before the boom period, each domestic group provided for their <sup>own</sup> housing and camp supplies. Government intervention in housing has removed the responsibility <sup>the people</sup> previously managed on their own. Government housing was allocated on the basis on nuclear families, with preference generally being given to larger family groups.

McDonnell points out that the nuclear family was not a functioning unit of organization for Indian people in Ross River.

The housing program has had the effect of creating new patterns of domestic organization while destructing the old.

In the bush setting, a camp generally consisted of a domestic grouping. There was a free sharing of resources among members of the group. This situation has changed somewhat with increased living in town. The town has meant more exposure to more people and a consequent increase in the demands for aid among each other. The house acted as a barrier which could allow the individual to avoid the continual demands. A tent offers no such barrier. Furthermore, the house was instrumental in developing social insularity. Increased contacts with many different people were often difficult to manage. Avoidance was a common way of dealing with the problem. Locking the door was one way





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1 of avoiding exchanges with selected individuals. In  
2 this sense, the house acted to forestall possible  
3 problems.

4 The separation of domestic  
5 groups into nuclear families, largely because of the  
6 housing consideration had the effect of placing a much  
7 greater strain on husband-wife relationships. In the  
8 larger domestic groups, there were others to help  
9 cope with a variety of functions. In the nuclear families  
10 these demands fell to the couple entirely, with the  
11 frequent result being anger and frustration.

12 A drinking bout involving the  
13 couple was, to the child, a more frightening experience  
14 than it had been when people were living in larger  
15 domestic groups. Infidelity, particularly those in-  
16 stances involving miners, construction workers and other  
17 white people became a much more difficult issue with  
18 which to contend. The nuclear family has not the same  
19 latitude in coping with this kind and many other kinds  
20 of transgressions.

21 There has also been a shift  
22 in the sexual division of labor. Men had previously  
23 been providers. Now women, through government aid or  
24 employment, are often the major income earners in the  
25 household. This situation has put men of some families  
26 in the position of confusion and doubt. The outcome  
27 of these events has been the disintegration of some  
28 marriages and some rather frantic attempts to preserve  
29 some of the harmony previously found in domestic groups.

30 This overview has given an



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1 account of the general changes which occurred with  
2 the boom but it fails to convey the intensity of the  
3 situation. McDonnell refers to this climate as one  
4 in which there is a "creative mix of idioms" and a  
5 "general and in the face of innumerable failures, a  
6 rather frantic inventiveness that was and still is  
7 occurring in Ross River." This occasionally leads to  
8 the and I quote here again from McDonnell:

9 "... the desperation and sense of futility that  
10 periodically seems to envelop everyone in the  
11 contemporary situation."

12 The changes which have  
13 occurred have not, and again I quote McDonnell in this  
14 case:

15 "Jelled to the extent that there now exists a commonly  
16 recognized way of establishing social boundaries  
17 and inclusion and exculsion in the ambience  
18 of town life."

19 The white residents of Ross  
20 River were caught up in a climate of excitement and  
21 adventure during this whole era. It was a period in  
22 which a frontier attitude prevailed. In the excitement  
23 and rather frantic atmosphere of the time, white people  
24 expended a great deal of their time and effort attempting  
25 to keep abreast with the major developments in the  
26 mining industry, the local businesses and in the  
27 community. Little time was available to consider  
28 the attitudes of others who were not stepped up in the  
29 same excitement and development.

30 The climate of unrest and



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1 uncertainty have provided some benefits to the Ross River  
2 Indians. The polarization in the settlement has  
3 aided the Band Council in becoming politically and  
4 economically aware. It has been easier to develop these  
5 skills in an arena of clearly defined adversaries. The  
6 Band Council has opened a co-op store and purchased a  
7 large truck. Some band members are now bidding on  
8 private contracts. The Band Council has outlined a  
9 development plan for their members. That's a community  
10 development plan.

11 On the whole Indian people  
12 are beginning to assert their role as participating  
13 members of the community. Their actions have forced  
14 many white people to recognize and reappraise the role  
15 of Indians in the settlement.

16 It is impossible in a paper  
17 of this sort to convey the impressions of three years of  
18 living in the community and the research I have sub-  
19 sequently done in that community on my periodic visits.  
20 I think I've touched upon some highlights and from these  
21 kinds of situations, I drew the following conclusions  
22 and from my -- and from the information I have had about  
23 pipelines and pipeline information, I drew the following  
24 conclusions.

25 This paper has only touched on  
26 isolated aspects of the changes which occurred in Ross  
27 River as the result of the construction and development  
28 of Anvil Mines. The paper, "Regional Impact of a  
29 Northern Gas Pipeline" by the Economic Staff Group  
30 anticipates the following conditions for a gas pipeline.





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1. "...the construction of the pipeline could well serve ..."

I'm quoting here.

"... could well serve not only to provide the territorial labor force with increased income, but also act as a foundation for accelerating the training and work and experience of the native labor force in ways which probably will be quite sympathetic with and can be utilized in the growing basic economy of the region after a pipeline construction period is over."

I end quote in that first one. The second point they make and I quote again:

"The use of transient facilities on the perimeter of the main impact communities would reduce the potential for social problems...Potentially detrimental social impacts on small communities could be minimized through the location of construction camps well away from them and funnelling pipeline transients through the main impact communities."

And the third one and I quote again:

"A number of increased developments in the business sector and an increase in petroleum and gas exploration are anticipated."

In addition to these predictions a fourth may be inferred from the Commission's terms of reference. Consideration of an oil line as an energy corridor and implied in that is a transportation infrastructure, possibly roads. It's not clearly delineated what it is -- constructed at a later date implies an





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1 extensive development of the transportation network.

2 The description of Ross River  
 3 has focused on each of these predicted impacts. The  
 4 consequences of some and the deviations from others are  
 5 significant.

6 I'd like to take a look at the  
 7 second of those which is the transient facilities and  
 8 the isolation of the community.

9 There was an attempt to  
 10 isolate the workers from the settlement, albeit informal  
 11 but it was still an attempt. These effects failed in  
 12 two respects. White entrepreneurs wanted workers --  
 13 the workers' business and encouraged them to visit  
 14 Ross River and secondly, the workers' free time was  
 15 their own and they found the means to get to and from  
 16 Ross River. It is highly probable that similar situations  
 17 would occur with a pipeline regardless of the good  
 18 intentions and efforts of the government and the pipeline  
 19 company.

20 The second thing and this refers  
 21 to the first point raised in this study that I mentioned  
 22 earlier. There was an attempt to employ Indian men to  
 23 work in the mine. This was not realized to any sig-  
 24 nificant degree. The permanency of pipeline jobs, the  
 25 relocation of workers and the strange surroundings and  
 26 the general feeling of antagonism of northerners  
 27 towards a pipeline as the Commission has heard  
 28 in each of the communities, all indicate that the stipula-  
 29 tions for employing natives cannot or will not be met.

30 I refer to the fourth thing --



P. R. Sharp  
In Chief

1 fourth point at the -- I'm sorry -- the third<sup>point</sup> that the  
2 Regional Impact study -- the regional impact of northern  
3 gas pipelines.

4 Business opportunities which  
5 expand with the construction of the mine were not to  
6 benefit -- were not to benefit the Indians to any  
7 recognizable degree. Considering the scale of develop-  
8 ments, it appears highly likely that only the large  
9 established businesses will benefit directly from the  
10 pipeline. This would appear to exclude natives since  
11 there are no Indian establishments of this nature  
12 in this region.

13 And the last one refers to the  
14 inference I drew from the Commission's terms of reference  
15 about the development of a transportation infrastructure.

16 The infrastructure which  
17 developed with the mine was a mixed blessing. Weighing  
18 the social and economic costs plus the construction  
19 costs against the social and economic benefits, it  
20 appears as though the development has not been profitable.  
21 This is again from the view of the Indians of Ross River.  
22 The same can be argued for the developments expected to  
expand with the pipeline.

24 The communities the pipeline  
would pass by, considering either the Mackenzie routing  
26 or the Alaska highway route, already have a full  
27 compliment of government services. Expanding the infra-  
28 structure would not significantly improve these con-  
29 ditions, but each development would be accompanied by  
30 an array of dislocations.



R. R. Sharp  
In Chief

1 In the discussion of the socio-  
2 economic intangibles in the report "The Regional Impact  
3 of a Northern Gas Pipeline", one point has been strongly  
4 emphasized.

5 "These problems can only be solved (alienation and  
6 dislocation) in any significant way, by a sub-  
7 stantial degree of local control...A much greater  
8 degree of such control must be exercised with a full  
9 participation of native people in order to solve  
10 these larger problems."

11 The community testimonies heard  
12 by the Commission are such an expression of full par-  
13 ticipation. The question now is, will the participation  
14 of native people be accepted? If so, then the universal  
15 rejection of a pipeline would prevail. If not, and the  
16 pipeline is built, then the very construction of the  
17 pipeline will violate a major objective of the guidelines  
18 which is, and I quote here:

19 "...To provide for a higher standard of living,  
20 quality of life, and equality of opportunity for  
21 northern residents ..."

22 and I would underscore this last part,

23 "...by methods which are compatible with their own  
24 preferences and aspirations."

25 The only solution at this time appears to be no pipeline  
26 construction.

27

28

29

30





R.R. Sharp  
In Chief

1 MR. VEALE: It would be  
2 appropriate to have a break at this time, Mr. Commissioner.

3 THE COMMISSIONER: All right,  
4 I think I should remind counsel that in assessing  
5 Mr. Sharp's evidence I'm interested in his description  
6 of the impact of development at Ross River. Where he  
7 seeks to predict what may or may not happen in connection  
8 with a Mackenzie Valley Pipeline, I am, with respect,  
9 Mr. Sharp, not at all inclined to place any great  
10 weight on his predictions, because of course those are  
11 matters that depend on the evidence we have already  
12 heard and that are still to be heard, and the submissions  
13 of counsel. So I'm simply urging counsel not to  
14 spend a lot of time arguing with Mr. Sharp about whether  
15 a pipeline should be built in the Mackenzie Valley or  
16 not.

17 At any rate, this is no  
18 disparagement of your work. I know you have been  
19 sitting around here for a few days, so you understand  
20 what I'm getting at.

21 Well, we'll stop for coffee.

22 (PROCEEDINGS ADJOURNED FOR A FEW MINUTES)

23 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

24 MR. VEALE: Mr. Commissioner,  
25 Commission counsel advised me of the discussion that  
26 has taken place relating to quantifying the number of  
27 hunters and trappers along the Mackenzie Valley, and  
28 I think it would be appropriate at this time to  
29 elicit some of this evidence from Mr. Sharp to indicate  
30 the present position in Old Crow. I don't believe it



R.R. Sharp  
In Chief

1 will take too long before we get into cross-examination.

2 Q Mr. Sharp, the discussion  
3 has taken place at the Inquiry relating to the  
4 number of people involved in full-time hunting and  
5 trapping and part-time hunting and trapping, and I was  
6 wondering if you would give us the facts that you are  
7 aware of in Old Crow relating to those issues?

8 A That problem of distinguish-  
9 ing full-time from part-time, I think it requires some  
10 arbitrary kind of boundaries that I wouldn't be willing  
11 to draw. Let me start off by saying this. This past  
12 year in Old Crow there were 14, maybe 15, men involved  
13 in fine-fur trapping. Of that, nine men had substantial  
14 lines and had fair returns from those. Now, that's  
15 only one part, fine-fur is only one part.

16 THE COMMISSIONER: When you say  
17 "fine furs", do you mean only muskrats?

18 A No, no, I mean all of the  
19 winter trapping animals, like marten, mink, mink is  
20 also a spring animal too, lynx, wolf, wolverine, marten,

21 Q Just about every fur-  
22 bearer except the muskrat.

23 A And mink. Mink is also  
24 trapped in the springtime. But that's a fair approxi-  
25 mation. So this is the trapping season that goes,  
26 generally speaking before Christmas, and runs from  
27 January through to about mid to the end of March. I  
28 think the end of March is the end of the season. That  
29 only gives half the picture, though, because ratting  
30 starts after fine-fur season, and right now I believe



R.R. Sharp  
In Chief

1 there are about 43 or 44 men on the flats and a couple  
2 of women who are really taking the role of providers in  
3 that kind of setting.

4 Q Well, what is the  
5 population, 200 approximately?

6 A About 180.

7 Q Pardon me?

8 A About 180, but that  
9 includes children. One of the reasons I'm at this  
10 Commission is because I only have five children left  
11 in my classroom who I teach, and the balance of those  
12 kids are in Crow Flats with their parents as are many  
13 of the other children, so what I've just given you  
14 there are really the substantial providers. There  
15 might be closer to --

16 Q The heads of households,  
17 virtually  
18 all of them are on the flats now, is that what you're  
19 saying?

19 A Yes, all of those except  
20 those that are employed full-time, the ones with the  
21 school and nursing station, R.C.M.P.; but not only  
22 heads of households because there are households with  
23 three or four young men in it. They're on the flats  
24 trapping as well.

25 Q Yes.

26 A Altogether there might  
27 be nearly 100 people on the flats at a time. Maybe  
28 I could spend a second and go through this business  
29 of part-time and full-time trapping.

30 MR. VEALE:

Q Well, before you do that,





R.R. Sharp  
In Chief

1 Mr. Sharp, perhaps you would indicate how many people  
2 hunt caribou.

3 A Ron, that's a  
4 difficult question.

5 THE COMMISSIONER: Maybe do  
6 you mind if we just stick with trapping for a moment?  
7 I know that we'll go onto caribou, but you said that  
8 about -- you said approximately 14 men in Old Crow  
9 are trapping in the fall for what you call fine-furs.

10 A Yes.

11 Q You said that 43 or  
12 men  
12 44 'and a couple of women are out now that it's spring,  
13 trapping rats in Old Crow Flats, and many of them have  
14 their families with them.

15 A Those families are  
16 trapping families. I would say that every boy in my  
17 classroom that would range from 13 to 16 years old  
18 will come back with two to 500 rats.

19 Q So the majority of all  
20 the population of the village is out on the flats now.

21 A I would say the  
22 majority.

23 Q Now is there anything  
24 else to be said about trapping?

25 A Yes, in a sense that  
26 they use a skidoo now, has made possible runs up to  
27 Driftwood, down to Blue Fish, up Crow River, distances  
28 that would have required otherwise a week or a week  
29 and a half trip, but now are done on a weekend, you  
30 know if a guy was trapping by dogs he would be virtually





R.R. Sharp  
In Chief

1 occupied all his time moving back and forth and  
2 covering the same kind of territory. There are a number  
3 of people who live out of town, I imagine about three  
4 or four people live out of town for substantial periods  
5 of time; but the skidoo has made a substantial change  
6 in that. That was one aspect on trapping.

7 The other aspect was the notion  
8 that Dr. McClellan raised the other day, I'd like to  
9 say something about as well. That is the notion of  
10 dual economy and it's posed from the way I read the  
11 Gemini North Reports, that's the essential point,  
12 you've either got this or that or something in the  
13 middle, and I would like to suggest that they  
14 are continuing possibly the established traditional  
15 and then a trapping pattern, and then a wage economy  
16 and I think that --by traditional I mean hunting and  
17 gathering, it's not a trapping. So if you establish  
18 a continuum between traditional patterns of living  
19 trapping pattern as being your economic base, or a  
20 wage economy as being your economic base, that you can  
21 draw continually. I know no one at either ends in  
22 Old Crow, nor do I know of any Indian people at Ross  
23 River at the ends of that continuum; but people range  
24 in that central zone from approaching those end points  
25 throughout.

26 THE COMMISSIONER: Sorry, Mr.  
27 Veale.

28 MR. VEALE: It's all right.

29 A Maybe I can answer  
30 your question.



R.R. Sharp  
In Chief

1 Q Mr. Sharp, there was one  
2 other point perhaps you could elaborate on, and that  
3 is are there any of the men who are employed full-time  
4 at the school or nursing station also involved in  
5 fine-fur trapping?

6 A Sure. I think Stephen  
7 Frost is a good example in this case. You know he  
8 takes care, he buys a good snow machine every year  
9 and makes sure he can extend his traplines, and that's  
10 not a supplement to his income, it's a substantial  
11 portion of it.

12 The same with two other men  
13 in the school, on a very active basis, and there are  
14 a few men just around town, it's a matter of <sup>if you</sup> get wood  
15 downriver ten miles, you set a few traps on the way,  
16 that kind of thing. But the other people, though, are  
17 covering 60-100 miles out of town trapping.

18 Q Now, perhaps you could  
19 talk about caribou hunting.

20 THE COMMISSIONER: Would you  
21 bring the microphone just a little closer to you, Mr.  
22 Sharp?

23 A Sure. In the hunting, and  
24 I guess this may depend in part on how accessible the  
25 game is this year, a substantial number of caribou re-  
26 mained on Crow Mountain, the mountain behind Old  
27 Crow in the vicinity, I'd maybe guess in the order of  
28 1,000 caribou and possibly more than that, throughout  
29 the year. I have trouble thinking of anyone who was  
30 capable, fit, who did not hunt, and I don't exclude women



1 in this. Most of them were included in that, but  
2 I think all fit men were hunting and some very unfit  
3 men, too, and I mentioned to Ron earlier I can't think  
4 of one boy in the class I have of boys in the school  
5 that didn't shoot caribou this year, that didn't bring  
6 caribou home. Mind you --

7 Q A boy about the age of  
8 what?

9 A 11, 12. Mind you, not  
10 this winter but the previous winter caribou were much  
11 more scarce, they didn't winter in that area, and as a  
12 consequence I think that -- oh, gosh, the closest  
13 herds would probably be Driftwood, maybe by skidoo,  
14 60-70 miles away, there was some down at Caribou Bar about  
15 50 miles. In that instance I think about four or  
16 five times hunting parties were organized, about five  
17 or six fellows in skidoos, and they drove down that  
18 way to hunt.

19  
20  
21  
22  
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30





R.R. Sharp  
In Chief

1 MR. VEALE: O.K., those  
2 are my questions. I would ask you, Mr. Sharp, to  
3 speak in a loud voice and enunciate clearly in your  
4 cross-examination to assist the lawyers.

5 THE COMMISSIONER: Can I just  
6 ask you one other thing? You mentioned trapping, hunting;  
7 what about fishing?

8 A This is a good year for  
9 fishing. I can't think of anyone now who fished who  
10 doesn't have extra fish for dogs now. This is the  
11 peak of the four year salmon cycle, and it is utterly  
12 remarkable at times. You can set a net and by the  
13 time you've got your net set, it would be swept inshore  
14 by 50 or 60 fish within 15 minutes.

15 Q Is this in the Old Crow  
16 or in the Porcupine?

17 A That's in the Porcupine.  
18 I don't have a map of Old Crow handy. The major fishing  
19 area in Old Crow is a large eddy that's downstream  
20 about a mile from Old Crow and then there are a couple  
21 of eddies up near the Crow River you can set nets  
22 in either of those eddies, and it depends upon how  
23 many dogs a person had, I think, <sup>and their particular needs,</sup> because most people  
24 got between 500 and 1,000 fish. Some people were getting  
25 2,500 and 3,000 fish.

26 Q Dr. Stager, who was an  
27 overview witness here, wrote a paper about Old Crow  
28 and potential pipeline impact. I've read the paper  
29 and I think it's an exhibit. Do you know if it is, Mr.  
30 Roland? You might consult with Mr. Weick.



1 MR. ROLAND: I'm not aware  
2 whether it's an exhibit.

3 THE COMMISSIONER: Make sure  
4 it's produced and submitted as an exhibit. I read it  
5 before these hearings even began, but in his paper  
6 Dr. Stager says that the people of Old Crow get, he  
7 felt, something like 50% o f their food from the  
8 bush, hunting caribou, fishing, trapping, and so forth.  
9 Do you agree, disagree? Do you care to comment on that?

10 A I think in a year like  
11 this --

12 Q You know his paper, don't  
13 you?

14 A Oh yes, very well. I think  
15 in a year like this, last year that's an under-statement.  
16 The reason I say that is because fish and caribou  
17 were abundant. Last ratting season was a good season.  
18 Food supplies came substantially from the land. The  
19 year before last when caribou didn't winter in the  
20 area and it was a low point for fish, I think that  
21 50% is a reasonable estimate. I don't think, in fact  
22 it may even be low at that.

23 Q Well, just one last thing.  
24 They hunt caribou in the spring and the fall, do they?

25 A Yes, in fact caribou are  
26 moving north now.

27 Q The caribou would be north  
28 of the village now, or north of the whole --

29 A When I left the community  
30 Tuesday, yes, I left Old Crow Tuesday, when I flew out



R.R. Sharp  
In Chiet  
Cross-Exam by Bayly

1 of Old Crow you could see four or five herds of  
2 a couple of thousand moving north across the river,  
3 just in the process of moving north now.

4 Q They're moving now?

5 A Yes.

6 Q And when do they pass by  
7 the Old Crow region heading south in the fall?

8 A It's not quite that  
9 simple and I think that the caribou people will tell  
10 A lot of people  
11 you that. / wish it were that organized but there are  
12 successive ways that caribou will sort of sweep through  
13 the  
14 flats, sometimes across the Porcupine and back again,  
15 back north again, then go south again, and the  
16 southern one<sup>is</sup> just about freezeup time. I can't put a  
17 date on that but I know that last year I was upriver  
18 with Pete Lord and we just barely made it back through  
19 crust ice on the river. I'm sorry, I can't tell you  
20 a date on that. That was near the mid-point of  
21 the caribou movement south.

22 THE COMMISSIONER: O.K., thanks.

23 Well, cross-examination?

24 CROSS-EXAMINATION BY MR. BAYLY:

25 Q Mr. Sharp, from your  
26 paper I take it that there were, on both the side of  
27 the government and industry in the development of the  
28 Anvil Mine and related facilities, good intentions from  
29 both those segments.

30 A When<sup>you</sup> say "on the  
part of the government and Anvil Mines" I would like





R.R. Sharp  
Cross-Exam by Bayly

1 to sort of reflect on what Mr. Notti said the other  
2 day, he said at the senior level there were good  
3 intentions, well intentioned, and they weren't super-  
4 ficial in nature, they were sincere in what they  
5 were trying to do. It was at the operational level that  
6 problems occurred.

7 Q And you've stated that  
8 the company realized some of the problems and what  
9 was difficult to do in the Ross River instance, was  
10 to translate some of the concerns that the planners for  
11 the company had to the construction workers, who were  
12 the people who actually interacted with the native people  
13 from Ross River.

14 A Correct.

15 Q And in your example you  
16 have outlined a number of problems that arose in spite  
17 of what we could classify as fairly up-to-date planning  
18 techniques for introducing a resource development into  
19 a frontier region.

20 A Yes.

21 Q And you've told us that  
22 a number of things appeared to go wrong from the time  
23 that the exploration started and appeared to get worse  
24 as things went on, as the mine became established.

25 A From the perspective of  
26 the Indian people.

27 Q Yes.

28 A Yes.

29 Q And one of the ways that  
30 this Inquiry has been told that things going wrong in





R.R. Sharp  
Cross-Exam by Bayly

1 communities become apparent is through what are called  
2 social indicators, and are you acquainted with that  
3 term, "social indicators"?

4 A Yes.

5 Q Have you had an opportunity  
6 to read the evidence of Dr. Hobart, that was given in  
7 Inuvik?

8 A Rather quickly, in about  
9 a year ago, I believe.

10 Q He gave it in  
11 January.

12 A The overview? I was read-  
13 ing an overview, I was thinking of an overview.  
14 I haven't read that.

15 Q Well, he agreed that the  
16 following things were indicators that all was not well  
17 in a community, and I invite you to agree or disagree  
18 that these were things that were noticeable phenomena  
19 in Ross River, that were at least coincident with the  
20 development of the exploration for and construction  
21 of the minesite.

22 One is increased use and abuse  
23 of alcohol.

24 A There was that.

25 Q And another is rising  
26 crime rates.

27 A There was that.

28 Q Another is violent  
29 deaths, both from --

30 A There was that.

Q -- crime and from ---



R.R. Sharp  
Cross-Exam by Bayly

1 A -- car accidents and  
2 whatever else.

3 Q Another is family breakups.

4 A There was that.

5 Q Another is an increase  
6 in welfare payments of various kinds.

7 A By "various kinds" I'd  
8 refer to all government programming, there certainly  
9 was that.

10 Q Yes, but I'm including  
11 in that social assistance, families --

12 A I'm including in that  
13 things like winter works programs, L.I.P.s, also O.F.Y.  
14 pro-grams and whatever else might be going on in a  
15 community. Those as well.

16 Q Then problems for young  
17 people in schools that result in either alienation from  
18 schools or dropping out from the school system  
19 completely.

20 A There is that.

21 Q Social disintegration  
22 of various sorts.

23 A Now as a social indicator  
24 particularly that's a difficult one to ascertain. Social indicators  
25 are only indicators.

26 Q Right.

27 A And they mean little if  
28 you don't understand the fabric of the situation.

29 Q I understand that, and  
30 I don't want to keep you out of that area but I just



R.R. Sharp  
Cross-Exam by Bayly

1 want to ascertain that all these things were present  
2 to an observer as indicators of perhaps a deeper problem  
3 or a set of problems.

4 A Yes.

5 Q And included in that  
6 would be deterioration of mental, dental and physical  
7 health. Is that <sup>something</sup> observable as well?

8 A Yes.

9 Q And increase in venereal  
10 disease being one that was mentioned by Mr. Jacquot  
11 recently.

12 A Now that's a difficult  
13 one because those things are held in confidence by  
14 the public health, but you live in a town and you're  
15 friends with the nurse, you don't get identification  
16 of those things but she tells you, "Yes, we've  
17 got some problems."

18 Now, those are only a few  
19 social indicators you've mentioned.

20 Q All right, can you think  
21 of others that have occurred that were observable in  
22 Ross River that might give us clues to the problems  
23 that you have said --

24 A First of all maybe I  
25 should tell you what I understand by the term "social  
26 indicator." I understand that a social indicator is  
27 a measurable phenomena which is an indication of  
28 certain kinds of social atmosphere. I can give you  
29 some examples to illustrate that. In some regional  
30 planning programs I've participated in, one social





R.R. Sharp  
Cross-Exam by Bayly

1 indicator that was assessed was if you step out your  
2 back door, how many houses can you see? Now that  
3 can be a social indicator, as well. So I'm saying that  
4 they're tremendously diverse and they're a measurable  
5 phenomenon, but measurable phenomena only answer  
6 part of the kinds -- or only describe parts of the  
7 kinds of conditions that exist in a community. The  
8 housing is another situation, another social indicator.  
9 The kinds of elements or the kinds of materials purchased  
10 in a store <sup>can be</sup> another social indicator. Another  
11 apparent social indicator is a measure of use of  
12 government facilities. By that I mean community  
13 facilities like <sup>the</sup> Community Hall and this sort of thing.  
14 Right off the top of my head that's the best I can  
15 do at the moment.



R. R. Sharp  
Cross-Exam by Bayly

1 Q I've just raised with you  
2 negative or indicators of --

3 A Where is that?

4 Q -- of problems. I gather  
5 that there are positive social indicators too that --

6 A Yes.

7 Q -- can be seen in a  
8 situation.

9 A Well I mean you can view  
10 crime as a positive indicator if it's a decrease, or  
11 alcohol related problems if there's a decrease. So,  
12 it can be either positive or negative.

13 Q Right. Now, in looking  
14 at the Ross River situation as you saw it, were there  
15 throughout the history of it that you've outlined, any  
16 observable positive factors?

17 A Yes. I tried to draw this  
18 out in the paper and I don't think I made a strong  
19 enough point of it. The development, politically,  
20 economically -- politically and economically of the  
21 band and the Band Council and the capacity for them  
22 to assert themselves was one of the positive attributes.  
23 Now I'm not sure whether that was caused by the pre-  
24 sence of Anvil Mine, the presence of a clearly divided  
25 community or the presence of the Brotherhood.

26 My feeling on the issue is  
27 that it was caused by all three.

28 Q Were there any others that  
29 you can think of that could help give us the full  
30 picture?



H. R. Sharp  
Cross-Exam by Bayly

1                                   A       Some clearly viewed  
2     running water as in services and services can viewed as  
3     a social indicator -- distribution of services as a  
4     positive thing. Some viewed television as a positive  
5     thing and others viewed television as a negative thing.  
6     You know, the trouble is that I can't and I don't think  
7     anyone can deal in social indicators as though they  
8     were consensus issues.

9                                   THE COMMISSIONER: As though what?

10                                  A       As though consensus existed  
11     in some of these things, you know, it's a hundred percent  
12     this way and nothing that way. They're fuzzy margins.

13                                  MR. BAYLY: All right so you're  
14     saying that social indicators may in one culture indicate  
15     a positive step forward, and in another culture may be  
16     an indication of something quite different?

17                                  A       Oh very much so. Roger  
18     McDonnell completed his doctorate dissertation on a  
19     study called -- oh I have it with me. It's over there  
20     -- on the study of people of Ross River. It makes this  
21     point more succinctly than any other person I've read  
22     in anthropology. He's an ethnographer and he points to  
23     the different ways in which people answer these basic  
24     ethnological questions about what does it mean to be a  
25     man and what should I do. He says "well Indian people  
26     deal both in a material existence" and for lack of  
27     better words or lack of better handle calls it a  
28     transcendental and you know I mean we have the same kind  
29     of thing in western culture of a material sphere and a  
30     spiritual sphere if you want to put it in those senses.



R. R. Sharp  
Cross-Exam by Bayly

1 in which we understand and interpret how our actions  
2 should work.

3 McDonnell in his dissertation  
4 spends a tremendous amount of time explaining and  
5 examining, not the differences, he doesn't try to  
6 understand those things in terms of differences, but  
7 his description demonstrates in a way that can't be  
8 misunderstood that there are tremendous differences in  
9 the way in which people understand the world.

10 Q Right. Now, you've  
11 tried to look at the Ross River situation at least in  
12 part from the point of view of the native people who  
13 were there prior to 1966 and its effects on --

14 A I don't --

15 Q -- and the effects of  
16 change on them.

17 A I don't think I tried  
18 to take the standpoint of a native person.

19 Q I'm not suggesting that --

20 A Oh, I'm sorry.

21 Q -- you were pretending  
22 that you are a native person.

23 A No.

24 Q Just that you were looking  
25 impacts on them in particular.

26 A Yes.

27 Q Your general point is  
28 that the impacts on them were negative more than positive.

29 A Very much so.

30 Q And that those things that





R. R. Sharp  
Cross-Exam by Bayly

1 were set out as objectives of both the government and  
2 industry only worked out in part and were more disruptive  
3 than helpful.

4 A I'd like to qualify that  
5 a bit.

6 Q That is that were -- for  
7 example, there were some people who took employment at  
8 the mine or in mining related jobs, and that, to that  
9 extent there was a success?

10 A Well I would say that the  
11 Anvil agreement had no substantial influence one way  
12 or another on people working there. I mean, that's a  
13 -- or a very significant influence -- a very significant  
14 extent. That agreement made sure that if anyone wanted  
15 a job and a position, he would be almost assured of  
16 getting one, at least the first time around. It had  
17 that influence at least, but there are other factors  
18 that sort of overweighed that.

19 Now the role of government in  
20 the community though, and the role of the secondary kinds  
21 of roles of the construction workers and the mine  
22 workers, which I went to some symetric in describing in  
23 this paper I presented, had a tremendous impact upon  
24 the community which was by and large considered negative.

25 Q You've given us on page  
26 seven of your paper a number of people that actually  
27 took employment in the mine and that's 15. Is that over  
28 the life of the construction and operation to date or  
29 is that 15 employed in total?

30 A Was it page seven it's at?



R. R. Sharp  
Cross-Exam by Bayly

1 Q That's right. It's on  
2 page seven of the one that I have here. It says:

3 "Throughout the entire construction period, approxi-  
4 mately 15 Indian men from Ross River were employed  
5 in the project".

6 A What page is that at in  
7 the one you've got?

8 Q I think I may have an  
9 early version here. It's called "Draft evidence --

10 A You may have. It's  
11 chewed up. Oh I see page six. That's for the whole  
12 construction period and I should point out that some  
13 fellows worked for a matter of a couple of weeks. This  
14 doesn't convey the thing that's going on. It's a  
15 situation of, it appeared to most, the utter confusion,  
16 hundreds of things happening at one time, and also you  
17 must put it into this thing the notion that any stocks  
18 in this mine was going to boom here and somebody's  
19 staking there and helicopters -- I mean at one time  
20 there was something like four helicopters based in the  
21 community during this period, taking off, landing  
22 continually, looking for people to go staking properties.  
23 It was a situation of so many  
24 things going on at one time that it was very difficult  
25 to keep track of what was happening, so people would go  
26 and they'd work for maybe three, four weeks with a  
27 particular contractor or a subcontractor or a sub-sub-  
28 contractor in the mine site doing one particular thing  
29 or another particular thing, then quit that and go on  
30 to another one or quit this and go hunting for a while.



R. R. Sharp  
Cross-Exam by Bayly

1                                   The fact that the situation  
2 was -- and it wasn't by intent -- mostly organized but  
3 in practise you could get a job almost at the drop of  
4 the hat and they were very short of employees and  
5 because of the demand for employees, the companies  
6 were really very eager to get people involved in this  
7 thing and if they could, they were looking quite  
8 seriously for all kinds of people in the hopes that  
9 somebody would stay more than a week.

10                                   It should be mentioned also  
11 that the Indian <sup>people</sup> that worked in the mine site and in  
12 the construction phase had generally a longer period  
13 of residency. Now, there must have been twenty or thirty  
14 guys that landed after getting hired in Vancouver, landed  
15 in the mine site, took the next plane out in about 45  
16 minutes. They saw the place and said "What am I doing  
17 here?"

18                                   I know I haven't really answered  
19 your question but those 15 were employed throughout  
20 the phase of the construction. That was men in Ross  
21 River.

22                                   Q     Then without getting into  
23 the area that the Commissioner has told us to stay away  
24 from, your concern is that if some of the plans to  
25 involve native peoples in construction of any kind  
26 are carried out in a way that so they were carried out  
27 in this situation, that they will fail.

28                                   A     Let me answer that then  
29 so that I won't -- in the case of Anvil mine, the  
30 attempts of Anvil mine were of no avail. Now Anvil Mine





P. R. Sharp  
Cross-Exam by Bayly

1 is not the only case of this instance that I should  
2 probably -- I could cite three or four others if you'd  
3 like, in which similar kinds of failures occurred.

4 Q You're quoting from a  
5 volume now. Can you tell us what that is just for the  
6 record?

7 A This is called "Employment  
8 Clauses in Agreements with Northern Developers" and it's  
9 a paper from within the Department -- I think it's  
10 Department of Indian Affairs and Northern Development.  
11 They examine, some in more detail than others, agreements  
12 which try to stipulate that there will be native people  
13 employed in contracts and there's a DEW Line agreement  
14 Great Slave Lake Railway, Anvil agreement, Pine Point  
15 agreement, Can-Tung that is of understanding, Canada  
16 Arctic Gas producer's agreement, Amco, Land Lease,  
17 Strathcona Sound and there's a whole slew of the D.P.W.  
18 contracts like PanArctic Industries, Dempster highway,  
19 Tompkins Construction, Kane Industries, Ben Ginter  
20 Construction, Wiley Oil Fuel Hauling. That's  
21 a mouthful -- and the DEW Line case points to a similar  
22 situation.

23 Now, there are a whole -- I'm  
24 not going to try to read out or give account of the  
25 rationale why these affairs happened because I don't  
26 know that you can give a good accounting of it. I  
27 can say that native people were not employed as these  
28 contracts or letters of agreement between these companies  
29 and the Federal Government had tried to stipulate.  
30 You know, there may be a thousand different factors.



R.R. Sharp  
Cross-Exam by Bayly

1 THE COMMISSIONER: What is  
2 the document you have got, Mr. Sharp?

3 A The title is called:  
4 "Employment clauses in agreements with northern  
5 developers."

6 Q This book you're reading  
7 from is your own.

8 A This book I'm reading  
9 from is just to file all the stuff I collect -- garbage.

10 MR. VEALE: Mr. Commissioner,  
11 perhaps I could assist on this. It was some material  
12 that I was able to obtain and provided to Mr. Sharp  
13 to assist him, and perhaps all that material should be  
14 filed with the Inquiry, Mr. Sharp, and we could do  
15 that after your evidence.

16 A: to  
17 The Dew Line clause failed to live up to their  
18 commitment to the extent they had hoped. The  
19 Great Slave Lake Railway, they did not live up to the  
20 commitments they had hoped to. The Anvil agreement,  
21 as I pointed out, did not live up to the agreement  
22 they agreed to. I should mention in the Anvil agree-  
23 ment that local employees were to have preference --  
24 O.K., I've got a bit of trouble here. O.K., it said:

25 "Employ competent local residents, particularly  
26 Indians and Eskimos."

27 To the extent that this report points out that -- I'll  
28 read a paragraph here, November 19, 1971, Mr. Frankish,  
29 he was employment liaison officer, I believe, at the  
30 time.

"reported that Anvil is apparently living up



R.R. Sharp  
Cross-Exam by Bayly

1 to its agreement, if you look at the percentage  
2 of total residents employed. Local residents  
3 employed at the time were 37 out of a total  
4 work force of 254,"

5 that was just as the mine was starting to come into  
6 its full production phase.

7 "As a percentage this represented 14.6 during  
8 the second year of production. The goal was  
9 10%."

10 Now on the surface that looks pretty great but what  
11 in fact was happening there was that of that 37, I  
12 think about seven or eight were Indian people and  
13 of that I'm not sure if this statistic includes Tantalus  
14 Butte Coal Mine, but it may, in which case that's a  
15 small coal mine at Carmacks -- look at that map again  
16 and you'll see where that is -- that provides coal for  
17 the concentrators in Faro, and that's a coal mine with  
18 something like eight or ten miners in it, with the  
19 exception of the manager, employs only Indian men,  
20 at Carmacks -- not only, not exclusively Indian men,  
21 but it happens at the time, only Indian men are working  
22 there.

MR. BAYLY:

23 Q Do you feel that that  
24 clause should have been written in such a way so that  
25 it couldn't be interpreted that local residents would  
26 include people who weren't Indians and Eskimos for the  
27 purpose of meeting the 5%?

28 A I don't know.

29 Q Or that it define better  
30 the term "local" to include --





R.R.Sharp  
Cross-Exam by Bayly

1                                   A     Yes, but a local resident  
2     is anybody that's hired in Whitehorse.

3                                   THE COMMISSIONER: Well, Mr.  
4     Sharp, certainly the experience as we understand it  
5     in the hearings we've held all over the north, the  
6     experience has been that exactly what you said. Now  
7     the evidence we've heard about the James Bay project  
8     is that one reason was that the hiring was done through  
9     unions and no attempt was made, notwithstanding all  
10    of the words written down with the best of intentions,  
11    to employ native people. On the other hand, native  
12    people had grave reservations of working on the project.

13                                  Now, it's the structure of  
14    industry, particularly unionized industry on the one  
15    hand, and the aspirations of native people and their  
16    attitude toward working in mines or in oil fields or  
17    on pipelines, if those are the main factors, then we  
18    should be looking at those things and not spending all  
19    our time drafting up fancy agreements that probably  
20    are meaningless in a practical sense.

21                                  One thing that strikes me is  
22    that this Northwest Territories Government which is  
23    no doubt trying very, very hard to employ native people  
24    in the government of the country where they live, has  
25    no doubt striven manfully in circumstances much more  
26    favorable, I should think, than Pine Point or Ross  
27    River or anything else you can think of, they have  
28    only found it possible to employ limited native people.  
29    So if Arctic Gas and Foothills can come up with a program  
30    that changes all of this and fulfills the pipeline





R.R. Sharp  
Cross-Exam by Bayly

1 guidelines which once again, just like those agreements  
2 you're reading from, contemplate any significant complement  
3 of native employment as part of the project, if they  
4 can come up with a scheme to do that, will that make  
5 a difference? That may make a difference. But if they  
6 cannot, and we've heard about the Nortran program,  
7 which relates to operation of the pipeline, at the moment  
8 we're considering construction; if they cannot, I expect  
9 them to be frank about this and not wave a statement  
10 of good intentions in front of us and indicate that that  
11 will take care of it. But if they cannot, then we owe  
12 it to the government to say, "Look, there are some  
13 problems here that aren't going to go away just  
14 because you've got a little more tightly written  
15 legal contract binding the company."

16 One thing that struck me about  
17 what you said, at the community hearing we had on the  
18 south side of Slave, Great Slave Lake, at Pine Point  
19 I think that's the largest private employer in the  
20 Territories, about 600 jobs there in the mine, and  
21 I think there were something like half a dozen native  
22 people working there, even though there's a large  
23 native population on the south side of the lake. Now  
24 let me ask you this. If you establish an instant  
25 town like Pine Point and you bring in white people  
26 to get the thing going, you know, you can't do it any  
27 other way, you start to build up a white population,  
28 white tools, white stores, white institutions, the  
29 introduction then of a native component in the population  
30 and the work force becomes something that no doubt is



R.R. Sharp  
Cross-Exam by Bayly

1 thought of as likely to create social and employment  
2 problems that everybody would just as soon not have  
3 to contend with.

4 A That's going on now.

5 Q From the point of view  
6 of those people, one can understand that with a town  
7 already established on the southern model, and a lot  
8 of these agreements that you've referred to, we've  
9 seen them before. It's a noble objective but it  
10 doesn't seem to work out and we should be looking, it  
11 seems to me, at the underlying causes. You aroused me  
12 with your questions, Mr. Bayly, by suggesting that  
13 Mr. Sharp might offer us a form of agreement that  
14 would get us farther down the road, and forgive me,  
15 I'm just indicating a certain skepticism.

16 MR. BAYLY: I was hoping that  
17 you would say what you said, sir, that the agreements  
18 may not be --

19 THE COMMISSIONER: I've said  
20 it so he doesn't have to say it.

21 A I hope I said that in  
22 the paper, and endorsed it a number of times.

23 Q This is a tough problem  
24 and it's not that the government isn't trying hard,  
25 the companies aren't trying hard. Natives are trying  
26 hard too to make something work out and it just  
27 doesn't seem to come together.

28 A That's right.

29 Q Your point about mining  
30 employment, working in the mine, even in open cast



R.R. Sharp  
Cross-Exam by Bayly

1 mine, which I think is what you've got over there.

2 A Yes.

3 Q That's what they've got at  
4 Pine Point, doesn't seem to appeal at all to native  
5 people in the same way, say, as working in a sawmill  
6 or guiding, or perhaps even working on an oil rig.

7 A Before there was a rail  
8 line there were some elements here that I agree were  
9 extremely complex, and the reason I raised it in the  
10 paper -- and I'm glad I had the opportunity to elaborate  
11 on it -- was because after reading the applications  
12 of both Foothills and Arctic Gas, they seem to be  
13 attempting to meet that criteria in the pipeline  
14 guidelines on the same format that almost all of these  
15 other situations have failed on. It would be my conten-  
16 tion as you have said, you know the cases are so  
17 abundant that I can see no indicators, social indicators.  
18 I can see nothing in the fabric of the communities  
19 that indicates to me that something different is going  
20 to happen in this instance than has happened in the  
21 previous instances. I fully agree with you that  
22 unless something else is done, of a different nature,  
23 then I can see no way in which these issues are going  
24 to be avoided. It's going to come up again in the  
25 same inevitable way. I read the Nortran evidence and  
26 I think that there is really no way that that can be  
27 construed to be meeting the kinds of requirements  
28 set forth in the pipeline guidelines.

29 Q Well, as far as it goes  
30 the Nortran program appears to be a more ambitious





R.R. Sharp  
Cross-Exam by Bayly

1 effort.

2 A Well, certainly.

3 Q Than anything ever attempted  
4 by private industry in the north so far.

5 A But not more energetic  
6 than, I think, the government programs. As you pointed  
7 out, government programs are failing in the light of  
8 tremendous efforts. I mean if you look at the amount of  
9 money spent on vocational training, adult training, etc.  
10 it's phenomenal. Money, political energy and time, commit-  
11 tal to these kind of things, and the results as you've  
12 said, are not at all encouraging, for either Indian  
13 people or Inuit or Metis or white people in the north.

14 I shouldn't create -- every  
15 time I talk about these kind of things I lapse into  
16 a syndrome of despair and occasionally get enveloped  
17 in this kind of thing, and I always hate to get into  
18 that kind of situation because there are tremendous  
19 qualities in this country that you lose when you  
20 get too tied up in a situation. But then you can't  
21 avoid it either, though. It's an issue that must  
22 be confronted, I feel, and from the evidence which I  
23 presented I think it makes a very strong case of  
24 saying that some alternative systems have to be  
25 arranged, worked out, I don't know what. Chief Smith,  
26 two days ago now, presented what he thought might  
27 be some alternative arrangement. I don't know.

28 Q Yes, and I have no  
29 doubt we'll hear about alternative arrangements,  
30



R.R. Sharp  
Cross-Exam by Bayly

1 and from Arctic Gas and Foothills, and I'm not at all  
2 discounting the Nortran program which seems to be a  
3 quite remarkable program in many ways.

4 A It's certainly that,  
5 but what I'm saying is that in terms of the overall  
6 pipeline guidelines, if that is the action, if that  
7 is the effort to meet it, and it's a substantial  
8 effort, that's only meeting it in one particular  
9 narrow phase, and there's such a broad range of  
10 issues to deal with.

11 Q And you're saying  
12 that's not different in time, as programs undertaken  
13 by Anvil and Pine Point and so on.

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R.R. Sharp  
Cross-Exam by Bayly

1 A Well, Nortran  
2 specifically is but it's not different in kind from  
3 the programmes undertaken by the N.W.T. Government and  
4 by the Y.T.G. Government.

5 Q Yes.

6 A With much the same kinds  
7 of successes as Anvil, as, well the companies that  
8 are right out here.

9 Q Yes. Sorry,  
10 Mr. Bayly. I'm sure this is in the minds of all us who've  
11 wrestled with this thing and all of this Inquiry. There's  
12 not much point in us coming up with some more fancy  
13 contracts and terms and conditions unless there is a  
14 recognition of the underlying reality, and we have to  
15 tell the government what the impact will be, what will  
16 happen here if it appears that native people want  
17 employment on the pipeline construction and if firm  
18 arrangements can be made to provide it, well, that's  
19 one thing that the guidelines want us to achieve. But  
20 if they don't want it, if we can get inside the heads  
21 of native people and that's possible and understand  
22 why these things have never worked in the past, then we  
23 had better tell the government what we find out in that  
24 exercise too so that if the pipeline is to be built  
25 in the national interest, at least, there are no  
26 misconceptions about what it might achieve here in the  
27 north.

28 A But the costs -- you know  
29 there is one other thing that I would like to add to this  
30 and that relates to a question I was asked by Mr. Bayly



R.R. Sharp  
Cross-Exam by Bayly

1 about some of the benefits of the incident in Ross River  
2 and I had pointed out that what had happened with  
3 the Band Council was they were really sort of getting  
4 it together, in jargon. That takes time. I think that  
5 I don't know how in the face of, you know, potential  
6 developments, I don't know if there is adequate time  
7 for people to do that and it is the hopes of all of the  
8 native organizations that they can do that, that they  
9 can sort of pull it together and with that sort of  
10 pulling it together be able to deal with these kinds of --  
11 whether it is a contract or whatever it is, take those  
12 things on themselves to meet them head on so that it's  
13 no longer the responsibility and if it is a responsibility  
14 I think it's completely outside their control, to write  
15 contractual agreements that will ensure those guidelines.

16 In Ross River, that  
17 process has been going on for about 10 years now. It is  
18 only at this stage of the game, in this last year in  
19 a meeting when the community was, the community  
20 association attempted to establish, tried to establish  
21 an LID, which is a local form of government. The Band  
22 Council at that stage of the game were able to marshal  
23 sufficient resources to put together a community plan  
24 of their own and saying, we won't buy it this way. We're  
25 going to be partnerships in this development. I think  
26 that was 10 years in developing the knowledge and  
27 political wherewithall to be able to say that to that  
28 group of people, and to be able to present that kind of  
29 thing, and to be able to present it in a fashion of  
30 saying, we're going to not want to be participants but





R.R. Sharp  
Cross-Exam by Bayly

1 insist upon being equal participants in the development  
2 of this community.

3 Now, in the face of  
4 the gas line developments being in the very near  
5 future, I really don't know that there is time for those  
6 incidents to occur. Clearly, I think that the Commission  
7 has had the influence of generating those kinds of  
8 activities as had lands claims, plus many incidents in  
9 each community have had a tremendous influence on the  
10 politicization, the development of knowledge of what a  
11 community can do and how to do it and I don't know that  
12 it's not premature.

13 Again, I really shouldn't  
14 comment on this but that reflects upon some of my  
15 assessments and I --

16 THE COMMISSIONER: Well anyway,  
17 thank you very much, Mr. Sharp. You have lived in  
18 Ross River and in Old Crow and those are native  
19 communities, and one has been impacted as we say in  
20 the trade and the other hasn't been. At least not so  
21 far, and the comparison is an interesting one. Well,  
22 I better shut up or these guys will want to cross-  
23 examine me. Well, carry on, Mr. Bayly. I can't imagine  
24 I have left much that still --

25 MR. BAYLY: No, sir. There were  
26 just a couple of matters I wanted to --

27 A I had hoped not.

28 Q -- raise with Mr. Sharp.  
29 Bringing it back down to the example that you have  
30 raised in Ross River. If we assume that there are some



R.R. Sharp  
Cross-Exam by Bayly

1 parallels that may occur in the construction of a  
2 pipeline that there will, for example, be camps located  
3 within a few miles of some community and that these  
4 camps will be filled with largely southern construction  
5 workers on the pipeline spreads, would you recommend  
6 for example that liquor be available in the camps to  
7 avoid the people coming into the bars or liquor outlets  
8 of the communities close at hand to get their supplies?

9 A Let me answer that  
10 question by saying this. During 1966 and 1967 and a  
11 large part of 1968 before the bridge and ice road was  
12 finished, it took about two and a half hours to get  
13 from Faro to Ross River. It was doubtful that you could  
14 do it in a truck most of the year. It was quite an  
15 ordeal getting there. You had to cross a ferry and  
16 it was quite a trip. That was still by the total about  
17 50 miles.

18 In the face of that, the  
19 town had frequent visits -- and it had been the intention  
20 of the mining company to fly all these guys in and fly  
21 them all out so there wasn't supposed to be any vehicles  
22 around. There wasn't supposed to be any access but yet  
23 access was required to haul the stuff in and out of the  
24 mine site. In the face of all those kinds of precautions  
25 you know, the fellows that had wives and families were  
26 able to settle in Ross River so they could have their  
27 families nearby and the single guys still managed to  
28 get into Ross. The lack of attraction in Faro, sorry, in  
29 Anvil now was when the camp was at the mine site as  
30 opposed to the townsite. That these guys would go to town



R.R. Sharp  
Cross-Exam by Bayly

1 for drinks and for sexual encounters and for whatever  
2 else they could get, often to the cost of the community.  
3 I can't think of very many instances in those kinds of  
4 situations which were to the benefit of the community  
5 beyond the bringing of the films and taking  
6 them back. Management was concerned about this,  
7 frightened about it. Many of these guys would come  
8 into Ross and it is ironical -- they would try to  
9 soothe ruffled feathers. Most of the feathers were  
10 ruffled in the bar situation and the way in which  
11 they would try to soothe it was buying a round which, I  
12 mean, you look at it in the total pattern it seemed  
13 to complicate the issue even farther in the long run  
14 and add to the drinking problem. But it was all a good  
15 a real sincere attempt to sort of settle the issue, and  
16 the people who were in management were up against it.  
17 They didn't have any alternatives other than that one.

18 Okay, now, what I have  
19 said and I would like to answer the Commissioner's  
20 comments about saying well, you can draw your own  
21 parallels from that. It seems as though the men came  
22 into town for liquor and for women.

23 Q If you put all these  
24 attractions into the camps, do you think that might  
25 alleviate it for the individual communities, if you  
26 allowed them to have their families there or their  
27 girlfriends or --

28 A Well, when -- or the  
29 accessories, yes --when the Town of Faro opened and  
30 had the bar and all those facilities, there were still





1 a couple of hundred single men in that area. I don't  
2 think that the -- what happened is the mine went into  
3 effect but there was still a series of housing projects.  
4 The fire came through there in '69 and they had almost  
5 the town 3/4 finished and they had just raised the town.  
6 So they had to rebuild the whole thing so there was  
7 all kinds of extra guys on there. There was quite  
8 a confusing situation.

11 A Yes, so that during that  
12 period there was still a couple of hundred single men,  
13 not all with the mine, some with construction and still  
14 you know about 200 families as well. Much fewer, or  
15 there was a great decrease in the number of visits to  
16 Ross after the bar opened in Faro.

19 A And after families arrived.  
20 The men who were still visiting Faro -- you would get  
21 another set of -- I tried to describe this in the paper that  
22 I presented, you know another set of things went on,  
23 like the hunting and this kind of thing. You would get  
24 the occasional person coming to sightsee in Ross River.  
25 I can't understate the sort of wild and wooly kind of  
26 place the town was and it was that. So the kind of  
27 sightseeing you get -- it was really a zoo. It would  
28 be like going to visit a zoo and that was often the  
29 kind of impression that people left.

Now, as a resident of the



R.R. Sharp  
Cross-Exam by Bayly

1 town -- my gosh, you felt that, you know. People would  
2 come and they would stare at you as one of the funny  
3 ones that are living there. That has a tremendous  
4 impression on people. It doesn't leave a nice taste  
5 in my mouth or anybody else's mouth in that situation.

6 Now, that's been  
7 ameliorated over a period now of four and five years.  
8 Those things quietened down. But nonetheless for the  
9 first while, you were held in a particular light when  
10 people came down. But it did reduce the number of  
11 drinking incidents, the number of those kinds of  
12 rowdy drinking incidents. It didn't cut back the  
13 drinking in Ross River particularly.

14 Q One of the things that-- in  
15 every community we go to, every native community  
16 in this valley including Old Crow and you of course  
17 were there at the hearing, after stating their position,  
18 no pipeline and no land claims before -- I mean no  
19 pipeline before land claims and so -- they said and if  
20 you build it we don't want those guys around here.  
21 As somebody in Old Crow said, "Put up a fence between  
22 us and the camp -- an electric fence that nobody can  
23 get through." Well, it's a free country and --

24 A Exactly.

25 Q -- if you are working  
26 in the north, you are, as far as I know, entitled to  
27 travel in your spare time and so on. That's one of  
28 the problems. The other problem is in a place like  
29 Inuvik, it isn't the unanimous desire to exclude  
30 the workers from the town because the merchants quite



R.R. Sharp  
Cross-Exam by Bayly

1 naturally want the workers to have access to the town  
2 so that they can buy drinks, so they can buy skidoos,  
3 I suppose or whatever they want to buy. That's another  
4 problem that --

5 A Yes, I point those two  
6 problems out in this paper and a third which I haven't  
7 mentioned but which in fact happened in Ross River that  
8 happens occasionally now in Old Crow with the fellows  
9 that work on the rigs. I mean, I work in a shift with  
10 a guy, I spend my time in a bunkhouse, we played cards  
11 together. Come our week's break and in Ross, it was  
12 just the overnight's break but in Old Crow, it's the  
13 week's break, the guy says, "How about if I join you  
14 for a holiday?" How am I going to say "no". In fact,  
15 do I want to say "no". I would say "Sure, come on  
16 along". In fact, that happened frequently. So often,  
17 the problem was generated from within. If the guy was  
18 working there. As an invitation he would say, he would  
19 bring down two, three, half a dozen, one -- you know  
20 it varied of course -- friends to come with him.  
21 Sometimes it all worked well but as you said it is a  
22 free country and you know, the Nortran evidence in  
23 which you have a trainee who you would think would be  
24 more closely governed in his actions, was asked about  
25 his telephone calling -- maybe you recall this from  
26 the evidence -- and he just simply said "Mind your own  
27 business. I will do what I like."

28  
29  
30





R. R. Sharp  
Cross-Exam by Bayly

1 Oh well, confronted with kind  
2 of situation which bears a tremendous demand for employees--

3 Q That was demand for the  
4 \$500 telephone call?

5 A Yes, you know each to  
6 his own. O.K., with that kind of freedom and the  
7 inability to control individual actions to a very  
8 great extent plus, I would anticipate it's going to be  
9 the laborers market as opposed to the employees market --  
10 employers market. I think that a person -- I think  
11 if Alaska -- it tends to indicate the opposite where --  
12 if I can believe what's said in the "Alaska Sportsman"  
13 in some of the articles about people and how they  
14 manage to get jobs by signing lists or whatever  
15 else he does for the unions and spending months hanging  
16 around, it would appear though there's going to be  
17 a demand, hang on to employees and you want to keep  
18 the person as long as you can because of continuity  
19 sort of influences.

20 But you can't say -- you can't  
21 draw lines around them too rigidly otherwise they're  
22 going to pack it in. Anyone will only stand so many  
23 restrictions before they say "no, that's the end of it"  
24 and move on to something else I think.

25 MR. BAYLY: But you'd agree  
26 though Mr. Sharp that the more attractive --

27 A Go ahead, I'm sorry.

28 Q The more attractive you  
29 make the camp area, the less frequent and probably the  
30 less disruptive the visits of the people at the camp





R. E. Sharp  
Cross-Exam by Bayly

1 will be to the settlements that are close by?

2 A Yes quite probably but  
3 you can have it the other influence. If I can -- and  
4 I don't want to extrapolate and <sup>let me</sup> tell you again what  
5 happened in Faro. A charming gentlemen who sadly  
6 was killed, as many people were, in a car crash with an  
7 Anvil truck, set up a tent frame in a small cabin just  
8 down by the bridge. I think I might have made reference  
9 to that --

10 MR. VEALE: This is the bridge  
11 leading out of the town of Faro?

12 A Yes, it's about four or  
13 five -- not even that -- three miles out of Faro and  
14 that was -- caused a tremendous amount of concern for  
15 the company and for the town. Yet, he was living as  
16 he wished to live and he had two sons working in the  
17 mine and they were living either in a trailer or a clap-  
18 board kind of affair, summer shack and about three or  
19 four -- as one domestic group living in three or four  
20 buildings.

21 A tremendous amount of effort  
22 was put on to move these guys and Joe was a -- he was  
23 a gifted individual. He was capable of holding out  
24 for the best conditions. He had arranged or he had  
25 made the arrangements such that the Department of Indian  
26 Affairs built him a house on Little Salmon Lake, and at  
27 the same time Anvil mines in hopes of getting his sons  
28 and family established in Faro, made arrangements so they'd  
29 settle in the town housing. They'd lived in the town  
30 housing I think it a week and found it totally intolerable



R. R. Sharp  
Cross-Exam by Bayly

1 and pulled out.

2 THE COMMISSIONER: This was  
3 the man that they -- who was it killed?

4 A He was killed in a car  
5 crash and two of his sons were killed.

6 Q Oh, killed. Killed.  
7 They were native people.

8 A Yes they are and they  
9 were killed in a car accident with an Anvil truck.  
10 You know, I think that as of last year, there were in  
11 Ross River and this was just among 180 people or 200  
12 people maybe, 20 or 22 violent deaths since about '67  
13 and I include violent deaths in car accidents.

14 Q Cars, fires.

15 A Cars, fires, shootings,  
16 suicide. If you read these as social indicators, they're  
17 indicative of conditions of hopelessness  
18 and despair, and the contemporary scene falls into this  
19 kind of situation, and as I said I don't like to fall  
20 into it myself although you -- everyone's susceptible  
21 to it, and everyone in that town sort of lapses into it  
22 in periods, then out of it again in lighter moments, but --

23 O.K. now, you make it more  
24 appealing, then it looks more like a dislocation for the  
25 guy that moves into the camp, for the Indian or Inuit  
26 or Metis person that moves into the camp. It looks less  
27 like home and it is less like home. So, on one hand  
28 you can provide all the urban amenities in a camp  
29 like that, but I don't know if you're going to get native  
30 people working in it, because it's not at all like what



R. R. Sharp  
Cross-Exam by Bayly

1 home is like kind of thing. I don't know if that's a  
2 very clear expression of the point but I think it's  
3 a matter of being damned if you do or damned if you  
4 don't.

5 Q Let me ask you about  
6 something else. People like you and like me or at  
7 least like me, perhaps not like you -- who come up  
8 here, and work for the Territorial Government say in  
9 these communities, there's a tendency to want the houses  
10 to be established say on some kind of grid, with a view  
11 to economizing and for provision of sewage and water and  
12 so on. The idea of people living in tents that aren't  
13 regularly -- or in cabins that aren't regularly spaced  
14 and the idea of cars that have lost their usefulness just  
15 sitting around somewhere with the trees growing around  
16 them. These are offensive often to the sense of order  
17 that people have when they come up here, and just tell  
18 me if I'm right in suggesting that an awful lot of  
19 administrative energy seems to go into setting these  
20 things right, as administrators who come from where  
21 you can I come from, try to do, and that native people  
22 often regard this as not only meddlesome but baffling.

23 Is that a reservation that  
24 you would share or --

25 A Let me give you -- let me  
26 give you two recollections on that that I would like  
27 to comment on it.

28 I was doing my Master's thesis  
29 in community regional planning. I spent about five months  
30 moving around the Yukon Territory and I was making an





P. R. Sharp  
Cross-Exam by Bayly

1 examination of something very closely related to that  
2 issue. I was looking at how people in these kinds of  
3 towns, small Indian communities -- or actually they were  
4 small communities which were by and large factioned --

5 Q Which were what?

6 A Factioned into white and  
7 Indian sectors.

8 Q Oh yes.

9 A How these communities  
10 could be organized or organize themselves, with my  
11 preference falling to the latter so that they could  
12 administer affairs in an appropriate fashion -- what  
13 they saw as an appropriate fashion.

14 I remember going into Pelly  
15 Crossing and speaking with the Chief there and we were  
16 standing on his doorstep and I said, "You know, if you  
17 had your choice, would see the houses all put out here  
18 in this field like this?" In Pelly, there's about  
19 seven or eight houses in almost a row and he said, "No".  
20 He said, "If I had my choice I'd -- you see that third  
21 house down there. I'd move it a little bit up so it  
22 was in line with the other one and I'd <sup>put</sup> them all a little  
23 closer together."

24 Now, that would have been the  
25 last alternative. You know, I'm a community regional  
26 planner, in addition to being a school teacher or  
27 principal, and I don't believe as a planner that the  
28 criteria for service or service distribution should be  
29 determinant for the design of community or the prime  
30 determinant, put it that way. O.K. when you've got that



R. R. Sharp  
Cross-Exam by Bayly

1 kind of situation in which somebody's saying that.  
2 ON the other hand, there are guys saying, "Well, I  
3 don't want any part of it. I want to put my tent over  
4 there".

5 Now, I'm perfectly willing  
6 to accept that but I think that in the face of this  
7 there are a number of other things going on. I'll  
8 give you an example.

9 A lot of people in Old Crow  
10 have told me they don't want water or sewer or television  
11 for that matter in quite the same way. Yet in the  
12 face of this, the Territorial Government without  
13 consultation of the Band Council, pretty much an  
14 arbitrary set of administrative decisions provided a  
15 sewer / <sup>educator</sup> which services the institution. By that, I  
16 mean the co-op, the R.C.M.P., the nursing station and  
17 the school and once in a while the Anglican Minister  
18 who has a septic tank in his house.

19 Q He's in no man's land is he?

20 A Yes. Actually a septic  
21 tank is in his house. That would really put him in  
22 no man's land, below his house. You know, one wonders  
23 why the service was there when people have made it  
24 abundantly clear that they don't want to have an elaborate  
25 kind of system of service delivery. They don't want  
26 a water system -- a water pipe system. That's a  
27 source of tremendous amount of energy on the parts of  
28 all my students to do this. I mean there's a petty  
29 cash arrangement and also the situation <sup>in</sup> which they're  
30 helping grandmother or grandfather. They chop ice in



R. R. Sharp  
Cross-Exam by Bayly

1 the winter time, haul ice, haul wood. If you go into  
2 a water system that automatically means you've got to  
3 keep the place heated 24 hours. To heat it 24 hours  
4 with wood in your own home is not feasible so it means  
5 wood goes out the door and oil comes in.

6 I mean, there's a whole series  
7 of complications that people don't want to touch that  
8 stuff. Yet in the face of this, you see government  
9 agencies implying that a certain standard has to be met  
10 and a dozen service programs, well intentioned and it  
11 shouldn't be construed that they're not well intentioned.  
12 Well intentioned and the people who are administering  
13 the program fail to see what's possibly wrong with them  
14 in terms of the service they're providing. But it's  
15 not that the service they're providing is wrong, as much  
16 as the way in which it's removing from the community  
17 certain kinds of responsibilities, interests and rights.

18 That's a rather circuitous  
19 answer I realize to your question.

20 Q No, you've made your  
21 point and made it well. How is the time Mr. Rol and?

22 MR. ROL AND: It is 12:30

23 MR. BAYLY: I have finished  
24 my cross-examination.

25 THE COMMISSIONER: Oh, well  
26 that's -- really, I think we should adjourn until 2:00  
27 and what's the program? Surely I've asked all the  
28 questions that anyone could think of. Are we going to  
29 be able to get to Miss Forrest and complete her evidence?  
30 You might confer --





R. R. Sharp  
Cross-Exam by Bayly

1 MR. BELL: Miss Forrest's  
2 plane is at 2:00.

3 THE COMMISSIONER: At 2:00?  
4 Well, I'm terribly sorry Mr. Bell. What do you suggest?

5 MR. BELL: I would suggest that  
6 we call it a week and have Miss Forrest come back at a  
7 later date.

8 THE COMMISSIONER: We call it a  
9 week? Well I am very sorry Miss Forrest but we're  
10 not getting to you but we don't -- I think even if I  
11 hadn't asked any questions, we would have had difficulty  
12 reaching Miss Forrest.

13 Well, all right. Let's see if  
14 can complete cross-examination before lunch. How does  
15 that -- or do you gentlemen have a lot of questions?  
16 Would you rather come back afterwards?

17 MR. STEEVES: I have finished.

18 MR. HOLLINGWORTH: I am precise  
19 sir. Not like Mr. Goudge. I have two questions.

20 THE COMMISSIONER: All right.  
21 Go ahead.

22

23

24

25

26

27

28

29

30





R.R.SHarp  
Cross-Exam by Hollingworth

1 CROSS-EXAMINATION BY MR. HOLLINGWORTH:

2 Q The people at Anvil were  
3 working a 6-day week, I understand, and coming into  
4 Ross River for the seventh day, on Saturday night.

5 A I don't know exactly.  
6 The reason I don't know if it's exactly that way is  
7 because many <sup>sub-</sup>contractors worked on different kinds  
8 of shift arrangements, so that it wasn't really easy  
9 to see what was going on at the time. It looked like  
10 a 6-day shift from the way people came into town.  
11 Some of the sub-contractors worked on completely  
12 different arrangements so that on their day off from  
13 mining they could do their particular kinds of  
14 jobs and they might have a Monday or a Tuesday off.  
15 That was the kind of impression I got. You know,  
16 I should probably mention another thing, is that I  
17 was involved in three or four visits to the mine site.  
18 The mining company, when Faro opened, employed me to  
19 come down to the mine site and coach wrestling once  
20 a week and bring a bunch of kids from Ross River down  
21 there to the new Recreation Centre. Twice I was invited  
22 -- myself and another chap -- as the Scout leader with  
23 all the Boy Scouts to visit the construction site of  
24 the mine, and so forth. So some of my impressions are  
25 gained from those kinds of visits.

26 Did I answer your question?

27 Q I guess you did and then  
28 you embroidered --

29 A Elaborated, sorry.  
30



R.R. Sharp  
Cross-Exam by Hollingworth

Q Do you think that the  
1 idea of a seven day week, 12-hour day type of schedule  
2 that the pipeline applicants are proposing would be of  
3 any benefit in keeping people out of town?

A It may be of benefit if  
4 you didn't have a two-week break, if you went for  
5 maybe 12 months of the year, but I doubt that you're  
6 going to find many employees that are willing to work  
7 12 months of the year, seven days a week, 12 hours a  
8 day. What I'm suggesting is that there is time off.  
9 I can't see it in the face of all these other kinds of  
10 situations and you describe other kinds of conditions  
11 in other communities, as well as in Ross River, and  
12 I can only give you the example in Ross River, and  
13 I think <sup>some</sup> companies were working that way, giving breaks  
14 in block, but you'll still find <sup>the same</sup> visiting procedures  
15 going on.  
16

Q That's your answer  
17 perceived on the assumption that there will be breaks  
18 and that there will be a 12-months a year schedule.  
19

A Yes. I mean if you don't  
20 give a person any time off, it becomes very difficult  
21 for him to, unless he quits.  
22

Q All right. Did you -- and  
23 the second question -- did you notice any difference  
24 in the pattern of the numbers of people coming in  
25 between winter and summer, or was it uniform throughout  
26 the year?  
27  
28  
29  
30



R.R. Sharp

Cross-Exam by Hollingworth

A By "people coming in"

you mean -

Q People coming into Ross

River from the mine site, was there any --

A Well, I think it depended upon what was going on at the mine <sup>site</sup> at the time. If there were a lot of guys, if there were times when onewhole contractor was sort of breaking up, when they were finishing their project and wrapping it up you'd find -- I think you'd find those times you might get a pull-out affair and there might be half a dozen guys go down to camp in Ross River. Quite a few people stayed there for a substantial length of time.

Q But you don't think the climate had any bearing on it?

A Oh well, I know the climate had some bearing on moving. Nobody moved around, nobody moved in the extreme cold. Ross River is rather unique in that it's in a pocket which inversions of temperature occur in it. Frequently it's 60-70 below and nothing goes on then.

Q It's pretty quiet then.

A Yes, it was rather nice.

MR. HOLLINGWORTH: O.K., thank you very much.

MR. STEEVES: I understood the hotel at Anvil across Ross River was sinking into the permafrost.

A No, that's the one in Faro. Actually --





Q It's what the lawyers call  
an act of God.

A Have it as you will.  
The bar in Ross River was rather interesting. It was,  
I think, four Atco trailers put side by side, with  
a partition that was divided down the middle, about  
three-quarters of the way there was a gap, a passageway  
between it , and one-half was beer parlor and the  
other half was the hard liquor spot where you could  
buy beer at <sup>half</sup> a buck more a glass, and that also had  
some interesting kinds of results. One side was  
almost exclusively white and the one side was almost  
exclusively Indian. <sup>If a</sup> / person didn't know what was  
going on and walked into the situation, it would look  
as though or appear as though there was an invisible  
sign saying "Whites only on this side, " and "Indians  
only on this side."

THE COMMISSIONER:

Mr. Bell?

MR. BELL: I have no questions.

THE COMMISSIONER: Mr. Roland?

CROSS-EXAMINATION BY MR. ROLAND:

Q Sir, if I might be per-  
mitted the standard two questions.

A I'm sorry, I can't hear  
you there.



R.R. Sharp  
Cross-Exam by Roland

1 Q Turning first to page  
2 20 of your presentation, you indicate that one of  
3 the difficulties of the establishment of a school in  
4 Ross River was that it tied the families of school-  
5 aged children to the settlement.

6 A That's right.

7 Q And as I understand it  
8 -- and correct me if I'm wrong -- there was a recommen-  
9 dation made by the Yukon Native Brotherhood in 1971  
10 to the Special Senate Committee on Poverty, when they  
11 visited Whitehorse.

12 A Yes.

13 Q Are you aware of the  
14 recommendation that was made?

15 A Yes.

16 Q Could you comment on  
17 that?

18 A Yes, I could. You're  
19 asking questions that are very difficult because you're  
20 asking me to recall some things we've lived through  
21 and took a tremendous amount of effort and spent a  
22 tremendous amount of effort in. In '68 a man named  
23 Collan who was the developer of Anvil Mine  
24 had left Ross River. He had at that time built a  
25 house, about a \$100,000 home. I don't know if that  
26 estimate is reasonable or not, it's a big house, and  
27 it was vacant. The Catholic Church was left in  
28 trusteeship or whatever the case may be, and we  
29 became aware, my wife and I, were aware of this  
30 problem and so were the Band Council. The Band Council



R.R. Sharp  
Cross-Exam by Roland

1 was just starting to get its feet on the ground, and  
2 I was even more naive than I am now, I think at that  
3 time. We said, "Well, here's a chance to resolve some  
4 of these kinds of issues." The Collan house was  
5 available for a dollar a year and what we wanted to  
6 do was get some independent agency that would not be  
7 considered to be denominational or affiliated with  
8 the church to lease it from the Catholic Church and  
9 then it could be sub-leased and supported as  
10 a short-term residence for children.

11 Q Stopping there, what  
12 was the intention?

13 A O.K., the intention  
14 was to allow parents to leave their children in the  
15 short-term residence so that they could gain access  
16 to the bush. Now that's not just a hunting thing.  
17 It was, if you can gather from what I tried to  
18 say here, a wholesale frantic kinds of movements in  
19 town, frantic on the part of Indian people who tried  
20 to adapt to situations which appeared to be totally  
21 beyond their control, frantic kinds of situations  
22 going on and a trip to the bush was more than a hunting  
23 thing. Also there was very little hunting done in the  
24 bush. People had a chance to get their feet back  
25 on the ground and sort of rest back, as I'm sure  
26 many of the counsels in this room and the judge did  
27 yesterday after this session, chance to sit back and  
28 go, "Oh, boy. That one's over."  
29  
30





R.R. Sharp  
Cross-Exam by Roland

1 Well, the bush had the same  
2 kind of effect. Now I'm not going to suggest that  
3 it's psychologically the same as you may have gone  
4 through yesterday, but it was you know, in appearance,  
5 much the same kind of thing.

6 O.K., then the idea was that  
7 my wife and I were going to -- we were living in  
8 government accommodation, and we said to the government,  
9 "Look, we'll move accommodations;" and we have no  
10 children at the time, we'll be more than willing  
11 to move to take children on a short-term basis and  
12 it could be arranged <sup>so</sup> that parents could pay for  
13 it as part of food support or financial support  
14 and that kind of thing. You can give us some  
15 caribou or moose to support the upkeep of the children.  
16 The notion was really well accepted.

17 Q Well accepted by whom?

18 A Well accepted by every-  
19 one, funded by no one. We got a runaround, it was  
20 this sort of thing and probably quite right. The  
21 Department of Education said, "Oh, don't get overly  
22 involved, don't get embroiled in these kinds of issues.  
23 Teach and administer the school but don't try to take  
24 on too much, but we agree with the idea."

25 I said, "then if you agree  
26 with the idea and there are people available who have  
27 indicated willingness, would you be willing to fund  
28 it?"  
29  
30





R.R. Sharp  
Cross-Exam by Roland

1 "Well no, that really falls  
2 outside of our sector of responsibility."

3 I said, "Well, who would  
4 you suggest we go to?"

5 "Try Indian Affairs, they  
6 are Indian children."

7 Indian Affairs said, "We can  
8 provide for the accommodation of keeping the child  
9 but obviously we can't pay for the upkeep of  
10 the house," which would have been in the order of  
11 about 400 a month.

12 You see, you're not looking  
13 at a great deal of money, you know, in terms of other  
14 social programs that are going on. You're looking at  
15 a small amount of money.

16 Q Turning to page 12 of  
17 your evidence, you've indicated --

18 A Sorry. Mr. Veale forwarned  
19 me to keep it to the point and I apologize for rambling  
20 on.

21 Q -- you indicated that  
22 there was a prospector training course and I believe  
23 that that was during the winter of 1971, and as I  
24 understand there was a very good success rate, from  
25 your paper.

26 A Yes, I think it went  
27 '70-'71.

28 Q There were some 22 of  
29 25 persons who took the course who passed with honors.

30 A Yes.



R.R. Sharp  
Cross-Exam by Roland

1 Q Have you given any  
2 thought to what characteristics of that training  
3 course made it such a successful course?

4 A That's another thought.  
5 We were participants in setting the thing up. I  
6 can't give short answers to these ones.

7 Q What were the characteris-  
8 tics of the course that made it successful?

9 A It's a very difficult  
10 kind of thing.

11 Q Maybe you could just  
12 enumerate them, if possible.

13 A Firstly, I had a letter  
14 from a Vocational School saying,  
15 "Why aren't men from Ross River attending  
16 Vocational School?"

17 I said, "I don't know, I'll  
18 ask."

19 I enquired and they said,  
20 "Who can go to Vocational School in Whitehorse? What's  
21 going to happen to my family, whatever else?" Any  
22 number of problems there.

23 I wrote back and said it's  
24 obvious that with these problems you need some kind  
25 of training course in Ross River.  
26  
27  
28  
29  
30



They said, "Fine, we'll set up a training course in Ross River and they proposed a wood shop programme. I took training in carpentry and I said -- I corresponded back to them. I knew there were four men, four Indian men in Ross River who had taken the vocational training programme in carpentry in Whitehorse and all were unemployed except for the odd job that they -- you know, the odd occasional job.

9 I said, well, why are  
10 you doing this? First of all, why don't you make a  
11 survey of what kinds of needs or what kind of jobs  
12 people foresee are available in this community? So  
13 I did that. I went around and I spoke with every man  
14 in the community that was over 20 that was not employed  
15 in a full-time position. Both Indian, white and metis.  
16 And I had one of three answers, pretty well, either I  
17 want to learn how to drive a truck so I can get on with  
18 the road maintenance crews in the summertime, or I want  
19 to learn how to prospect so I can get paid as a prospector  
20 not as an assistant prospector, and possibly finding  
21 something myself and develop it, and have some knowhow on  
22 that. I can't recall the third one, but those two were  
23 so predominant that you know, that it swung the field  
24 so I gave the results to the Territorial Government  
25 Vocational School and so they put those together and  
26 formulated a programme called, I think, it was a  
27 mining exploration programme in which they taught  
28 truck driving and the fundamentals in geology, some  
29 first-aid and small motor repair. And they put it  
30 together sort of as a package. Now, the next thing was





R.R. Sharp  
Cross-Exam by Roland

1 hiring the person and there was a substantial amount  
2 of dispute about that in that they had advertised  
3 publicly and I had argued along with the person who was  
4 in Ross River who was a fair prospector, that it  
5 should be somebody from Ross River that everybody knew  
6 and that knew the business.

7 Well, two people in Ross  
8 River, Pete Risby , who was a prospector and Art Johns  
9 who was a prospector and an Indian man were employed for  
10 the job. It was largely due to their efforts that the  
11 thing succeeded.

12 Let me give you another  
13 instance in this thing if I can. I know I'm running on  
14 longer than I should. At one time the Territorial  
15 Government suggested they were going to replace Art, who  
16 had no paper qualifications. He would be in his fifties  
17 at the time -- early fifties. No qualifications on paper.  
18 He was just a prospector who had a number of good finds  
19 and they were suggesting that they replace him with  
20 a person who had the proper credentials and I recall Pete  
21 Risby coming out of the school pretty emotional, pretty  
22 upset about the whole thing and said they are going to  
23 can him so they can get somebody with the paper  
24 qualifications. He said, "You had better go over there.  
25 I can't talk with those guys now. I wouldn't know what  
26 to say." So I went over and said, "Well, this is what  
27 is going to happen." I said, you know, "Would you guys  
28 give me a reading on this?" And I think, well, I'm not  
29 going to paraphrase this because the answer wasn't  
30 polite. He essentially said, "You can tell the government



R.R. Sharp  
Cross-Exam by Roland

1 to go to Hell. There won't be one of us here tomorrow  
2 if they carry that line."

3 What in effect, had happened  
4 was, in the two months that that programme had been in  
5 operation, there had been a jelling of what was going on  
6 there and they had developed a consensus. That was a  
7 very nice winter. There was never a problem getting the  
8 rink cleaned. There were tremendous hockey games.  
9 That was both the Indian and the white people attending  
10 that school and that was one very interesting set of  
11 incidents that established the cohesiveness among that  
12 group which is really, really quite something.

13 Q Do you view the fact that  
14 the instruction was given in the community as important  
15 to the success of the training programme rather than  
16 being given outside the community?

17 A Well, I thought I had  
18 made that clear. It wasn't important. It was  
19 fundamental to it.

20 Q You also spoke about the  
21 co-op sawmill?

22 A Yes.

23 Q And its unfortunate  
24 demise and as I understand from your paper there is now  
25 a Co-op Store in Ross River?

26 A The Co-op Store was opened about  
27 two years ago.

28 Q And you have, as well,  
29 spoken about business opportunities. Have you given any  
30 thought to the extent that the co-op model or other models



R.R. Sharp  
Cross-Exam by Roland

1 might be used to the advantage of native people in  
2 partaking in business opportunities that are offered when  
3 a massive development comes into their area?

4 A In a massive development,  
5 no; but in a community development, most certainly.

6 And Ross River's Co-op is very small and is just  
7 getting its feet on the ground but if you look at Old  
8 Crow, I think and I'm just guessing, you could wish you  
9 had a Co-op in your community like we have got in Old  
10 Crow. The dividends are 15 to 20% on the annual basis.  
11 It is the best functioning Co-op I have ever seen.

12 Q And do you view the Co-op  
13 as a model that may be adapted to possible desires on  
14 the part of native people in the partaking of business  
15 opportunities?

16 A Oh, it is one of the models,  
17 certainly but I wouldn't want to exclude other possi-  
18 bilities by saying that.

19 Q Finally, my last question.  
20 Could you supply us with a copy of Mr. McDonnell's paper  
21 as well?

22 A I'm sorry. Which?

23 Q Mr. McDonnell's paper.

24 A McDonnell?

25 Q McDonnell's.

26 A Yes, his doctorate  
27 dissertation is at U.B.C.

28 Q Could you supply us with  
29 a copy?

30 A Can I supply you with a





R.R. Sharp  
Cross-Exam by Roland  
Re-Examination

1 copy?

2 Q Yes.

3 A You can Xerox a copy.

4 MR. ROLAND: Yes, that's fine.

5 Thank you.

6 A It's a prediguous  
7 thing. In fact, I should probably mention that Roger -- he  
8 is a close friend of mine as well -- was in Ross  
9 River from about, I'm not sure if it was in 1966 or  
10 early 1967 through to the present and he probably more  
11 adequately than anyone else I know can discuss issues  
12 and the character of how Indian people perceive the  
13 realities of life above them.

14 I don't know but it would  
15 be my contention in the light of what Judge Berger said  
16 earlier about the character of ways in which you have  
17 to design programmes that those kinds of considerations  
18 that McDonnell describes in his dissertation and is most  
19 conversant in must be taken into account and a person  
20 must be cognisant of them before you can have any hopes  
21 of designing programmes that are going to be at all  
22 efficient.

23 MR. ROLAND: Thank you.

24 THE COMMISSIONER: Do you have  
25 an re-examination?

26 RE-EXAMINATION BY MR. VEALE:

27 Q Yes, Mr. Commissioner,  
28 I was wondering at this point, the report of Dr. Stager  
29 has been raised by yourself and Mr. Sharp has a number  
30 of comments that could be made on that report and I





R.R. Sharp  
Re-Examination

1 wouldn't want to embark on them at this particular  
2 time. Are we reconvening at 2:00 or --

3 THE COMMISSIONER: Well,  
4 I think everyone thought that we were not until you  
5 spoke just now but I think if Mr. Sharp is in the  
6 position to comment on Dr. Stager's report, we would  
7 all prefer that he do so now before we go to lunch. I  
8 think that's the feeling, isn't it? It appears to be.

9 A I don't have a copy  
10 of the report with me now which is unfortunate. I wish  
11 I had but I can --

12 THE COMMISSIONER: Well, you  
13 worked with him on it, I think, didn't you or --

14 A Well, actually the  
15 situation was this. As a graduate student, I met  
16 Dr. Stager and he approached me about setting out  
17 the parameters for making an inquiry of the nature of  
18 that report setting out the parameters of the report  
19 and how you make that kind of inquiry. As a person  
20 involved in the social planning, I had been working in  
21 that kind of field and commuting that kind of information.

22 From there, I set the  
23 position in Old Crow as the senior field researcher on  
24 the project, designed and conducted the format of the  
25 research, conducted the research, collected information,  
26 in all phases of the information and then channelled  
27 the information and the format to Dr. Stager.

28 The reason Ron raises  
29 this is because you were mentioning the other day about  
30 having some equations or some equating of food value to



R.R. Sharp  
Re-Examination

1 dollars in an economy and I know that Dr. Stager  
2 as you mentioned earlier in his report -- he makes  
3 explicit reference to the amount of food required and  
4 I think he breaks it into four categories which the  
5 land based food, natural food resources account for  
6 a certain amount of families for 10, 20%, 50%, 75% or  
7 more than 75% of the food. I think that he also puts  
8 that in an equivalent of dollars as well and I wanted  
9 to draw that to your attention because of the  
10 references you were making to the study at -- was it  
11 Great Bear Lake?

12 THE COMMISSIONER: Rushforth's  
13 report.

14 A Rushforth's report, yes.  
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R. R. Sharp  
Re-examination

1                   McDonnell also does a similar  
2 kind of work in his doctorate dissertation. Did you  
3 want me to comment on other things? Ron, maybe you  
4 could mention them.

MR. VEALE:

5                   Q     Do you have any other  
6 areas that you agree or disagree with on the final  
7 report?

8                   A     Oh well, yes. What  
9 the report did is it collected all of the data and  
10 assembled it as such. It did not do it in a context  
11 that considered the fabric of the community. I don't  
12 feel I have to elaborate on that at all because the  
13 Commissioner has sat in on the community hearings and  
14 he's been in the community quite awhile and has gained  
15 an insight into what the character of the community is.

16                   But I wanted to point out that  
17 that whole aspect has not been accounted for and that's  
18 I think probably the most important aspect.

19                   THE COMMISSIONER: O.K.

20                   MR. VEALE: No further questions.

21                   THE COMMISSIONER: Well thank  
22 you Mr. Sharp. We certainly enjoyed the discussion  
23 with you and I may say I found it most helpful and I  
24 appreciate your coming and I know you're a keen and  
25 sympathetic observer of the north and native peoples  
26 and I think that you're the only witness in the past two  
27 weeks that we've actually managed to get through the  
28 evidence without suggesting you come back so it's a  
29 triumph of sorts.

(WITNESS ASIDE)

30





THE COMMISSIONER: I think,  
ladies and gentlemen,  
1 /we're ready for an adjournment until Monday, June 14th  
2 at 1:00 P.M., here in Yellowknife and the Inquiry is  
3 adjourned until Monday, May 10th in Vancouver at 8:00  
4 P.M.

5 So, we've got lots to think  
6 about to -- we've had a good month of evidence in phase  
7 four and it's given us a lot to think about for the  
8 remainder of phase four. When we come back on June 14th,  
9 we'll be turning for home and I think if we really put  
10 the whip to some of our horses, we'll get there sooner  
11 than some people think.

12 So, we'll adjourn then.

13  
14 (PROCEEDINGS ADJOURNED TO JUNE 14, 1976)  
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